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COMMENTS & RESPONSES



1415 Mission Street Mixed-Use Development

PLANNING DEPARTMENT CASE NO. 2005.0540E

STATE CLEARINGHOUSE NO. 2007122101

OCTOBER 29, 2009

EIR Publication Date: FEBRUARY 25, 2009

EIR Public Hearing Date: APRIL 9, 2009

EIR Public Comment Period: FEBRUARY 25 – APRIL 13, 2009

FINAL EIR Certification Date: NOVEMBER 12, 2009

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SAN FRANCISCO PLANNING DEPARTMENT

DATE: October 29, 2009

TO: Members of the Planning Commission and Interested Parties

FROM: Irene Nishimura, Planner

RE: Case No. 2005.0540E: 1415 Mission Street Mixed-Use Development

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Attached for your review please find a copy of the Comments and Responses document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR published on February 25, 2009, will be presented to the Planning Commission for Final EIR certification on November 12, 2009.** Please note that the public review period ended on April 13, 2009.

The Planning Commission does not conduct a hearing to receive comments on the Comments and Responses document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Comments and Responses document, or the Commission's decision to certify the completion of the Final EIR for this project.

Please note that if you receive the Comments and Responses document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Comments and Responses document or the environmental review process, please contact me at (415) 575-9043.

Thank you for your interest in this project and your consideration of this matter.

Attachment: Comments and Responses document.

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City and County of San Francisco
Planning Department

1415 MISSION STREET MIXED-USE DEVELOPMENT

COMMENTS & RESPONSES

Planning Department Case No. 2005.0540E

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1415 MISSION STREET MIXED-USE DEVELOPMENT
Draft Environmental Impact Report
COMMENTS AND RESPONSES

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A. INTRODUCTION

This document contains the public comments received on the February 25, 2009-issued Draft Environmental Impact Report (EIR) prepared for the proposed Mixed-Use Development at 1415 Mission Street and responses to those comments. Also included are text changes to the Draft EIR.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the Draft EIR, and the date of their communications, and those who testified at the public hearing on the Draft EIR held on April 9, 2009.

Section C contains summaries of substantive comments on the Draft EIR made orally during the public hearing and received in writing during the public comment period, from February 25 through April 13, 2009. Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR. Therefore, the comments contained in individual comment letters have been sorted into the appropriate topic area. The name of the commenter is indicated following each comment summary. The original comment letters are included as an appendix and marked to indicate where each discrete comment is addressed in Section C.

Section D contains text changes to the Draft EIR made by the EIR preparers subsequent to publication of the Draft EIR to correct or clarify information presented in the Draft EIR, including changes to the Draft EIR text made in response to comments.

Where applicable, changes have been made to the text of the Draft EIR, and are shown in double underline for additions and ~~striketrough~~ for deletions.

Many comments made both in writing and at the public hearing were directed toward the perceived merits or demerits of the proposed project. Responses to these comments are limited, as they do not concern the adequacy or accuracy of the EIR.

A. INTRODUCTION

The comment letters received and the transcripts of the public hearings are reproduced in Appendices 1 and 2, respectively.

These comments and responses will be incorporated into the Final EIR as a new chapter. Text changes resulting from comments and responses will also be incorporated in the Final EIR, as indicated in the responses.

B. LIST OF PERSONS COMMENTING

Federal/State Agencies

Lisa Carboni, District Branch Chief, Local Development-Intergovernmental Review, State Department of Transportation (written comments, March 24, 2009)

Organizations

Natoma Street Neighborhood Group (Eric Dash, written comments April 9, 2009 and April 10, 2009, public hearing comments April 9, 2009)

Individuals

Sue Hestor, attorney (written comments April 13, 2009 (two letters); public hearing comments April 9, 2009)

Richard Lynch (written comments, April 8, 2009; April 10, 2009, prior letter of January 23, 2008, resubmitted for the Draft EIR)

San Francisco Planning Commission

Ron Miguel, President of the Planning Commission (public hearing comments, April 9, 2009)

Commissioner Kathrin Moore (public hearing comments, April 9, 2009)

Commissioner Christina Olague (public hearing comments, April 9, 2009)

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C.COMMENTS AND RESPONSES

1. GENERAL COMMENTS

Comment 1.1

"Please keep me informed of everything regarding this project as it will affect not only Mission, 10th and Minna Streets, but my very own front yard, backyard, and roof top as well." (*Richard Lynch, written comments*)

Response 1.1

Comment noted regarding project notification. No further response required.

Comment 1.2

"p.54 map of existing uses—the Merchandise Mart (9th to 10th south side of Market) is just that. It sells goods. It is not an office building." (*Sue Hestor, written comments*)

Response 1.2

The land use map shown on page 54 of the Draft EIR is a generalized schematic map, and is not intended to identify every specific land use within a given block. The Merchandise Mart referenced in the comment is a ground-floor retail use in a building devoted to other commercial uses in the upper stories. Based on a visual land use survey conducted during preparation of the Draft EIR, the upper stories of the building at 1301-1363 Market Street (the Merchandise Mart), which occupies the entire block on the south side of Market Street, between Ninth and Tenth streets, appeared to be devoted to office use. Parcel information on file with the County Assessor's Office appears to confirm this, identifying 99 rooms and no bedroom in the building, which would indicate office or commercial uses. Nevertheless, whether the use of this particular

building is correctly identified in the Draft EIR does not alter any of the analyses and conclusions on physical environmental effects on land use.

Comment 1.3

“p. 113—1160 Mission is commonly known as SOMA Grand, isn’t it. It would help if common names of buildings at certain addresses were also given. 1177 Market is Trinity Plaza. 1355 Market is the Merchandise Mart—which has apparently withdrawn its application.” (*Sue Hestor, written comments*)

Response 1.3

In response to the comment, the EIR text is changed as follows:

Page 110 of the Draft EIR, second paragraph, third line:

...1160 Mission Street building (SOMA Grand)

Page 113 of the Draft EIR, first paragraph, third line:

...1160 Mission Street building (SOMA Grand)

Page 113, first paragraph, sixth line:

...1177 Market Street project (Trinity project)

Page 113, first paragraph, 14th line:

...1355 Market Street project (S.F. Merchandise Mart)

Page 116, fourth full paragraph, second line:

...1160 Mission Street building (SOMA Grand)

2. PROJECT DESCRIPTION

Comment 2.1

“p.47—I find this repeated attempt to ‘hi-jack’ policies of the M/O [(Market-Octavia)] plan—without complying with the full range of requirements/mandates in that plan to be bothersome. If this project was in M/O what additional requirements would be imposed on them, including housing conditions?” (*Sue Hestor, written comments*)

Response 2.1

The project site is not within the Market-Octavia Plan referred to by the commenter, and the zoning controls of the Plan do not apply to the project. According to Section 15124 of the CEQA Guidelines, the project description “should not supply extensive detail beyond that needed for an evaluation and review of the environmental impact.” Inclusion of a discussion of inapplicable zoning ordinances would not serve the purposes of CEQA.

For informational purposes, the last two paragraphs on page 47 of the Draft EIR are a discussion of nearby plans and development controls, including those of the Market-Octavia Plan, the Downtown Residential Special Use District (SUD), and the Draft Western South of Market (SoMa) Plan now under preparation. This discussion of nearby plans and controls concludes a longer discussion of applicable controls from the San Francisco *Planning Code*.

Comment 2.2

“p. 46—top partial paragraph. The D[dwelling] U[unit] exposure standard has an underlying policy. Isn’t it that the separation increases as the building gets taller so that units on the lowest residential story still have healthy exposure to sunlight and air? That is why there is an increase of 5’ per story after the first few stories of height. Please explain this.” (*Sue Hestor, written comments*)

Response 2.2

Planning Code Section 140(a)(2) requires an increase of five feet of open area (an inner court or space between separate buildings on the same lot) in every horizontal direction from a beginning minimum of 25 feet in every horizontal direction when an open area is used to meet the dwelling unit exposure requirement. An exception has been made for single room occupancy buildings in the Eastern Neighborhoods Mixed Use Districts, where the requirement of a five-foot increase does not begin until the fifth floor. The dwelling unit exposure requirement can also be met under Section 140(a)(1), with the use of a public street, alley, or side yard at least 25 feet in width, or with a code-complying rear yard area.

HeightComment 2.3

“...Primarily, in terms of building height: Going through the urban design element of the Planning Department, there’s a number of things you will find in that packet that I have distributed that talk about transition between neighborhood and appropriateness of height and bulk for certain neighborhoods.

“Our neighborhood is an RED [Residential Enclave District] with a 40- to 50-X height whereas on the north side of Mission it goes up as high as 320 feet. There’s a lot of questions about that.” (*Eric Dash, Natoma Street Neighborhood Group, public hearing comments*)

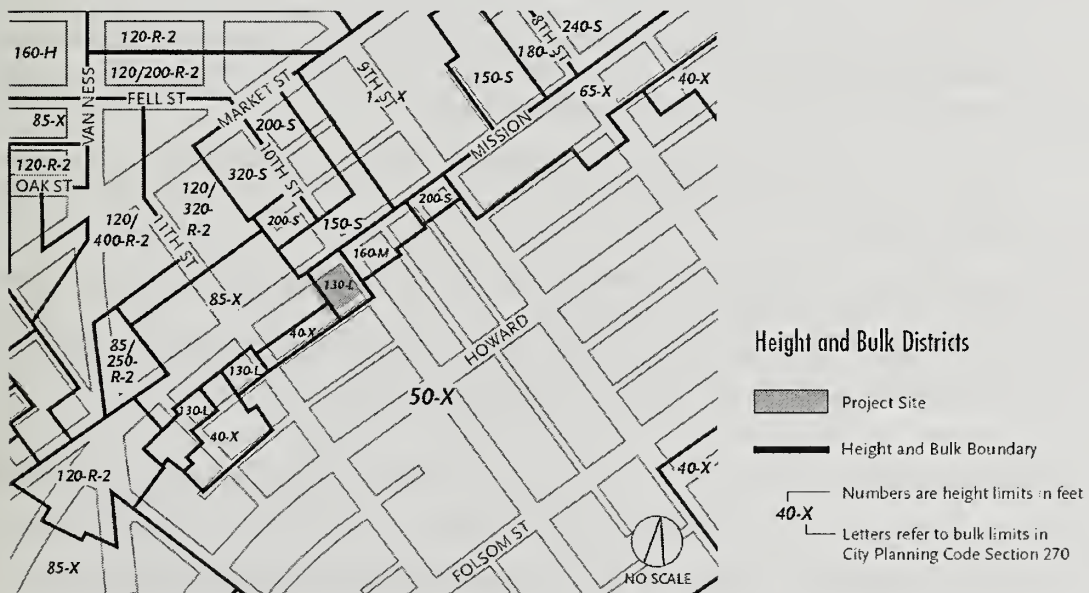
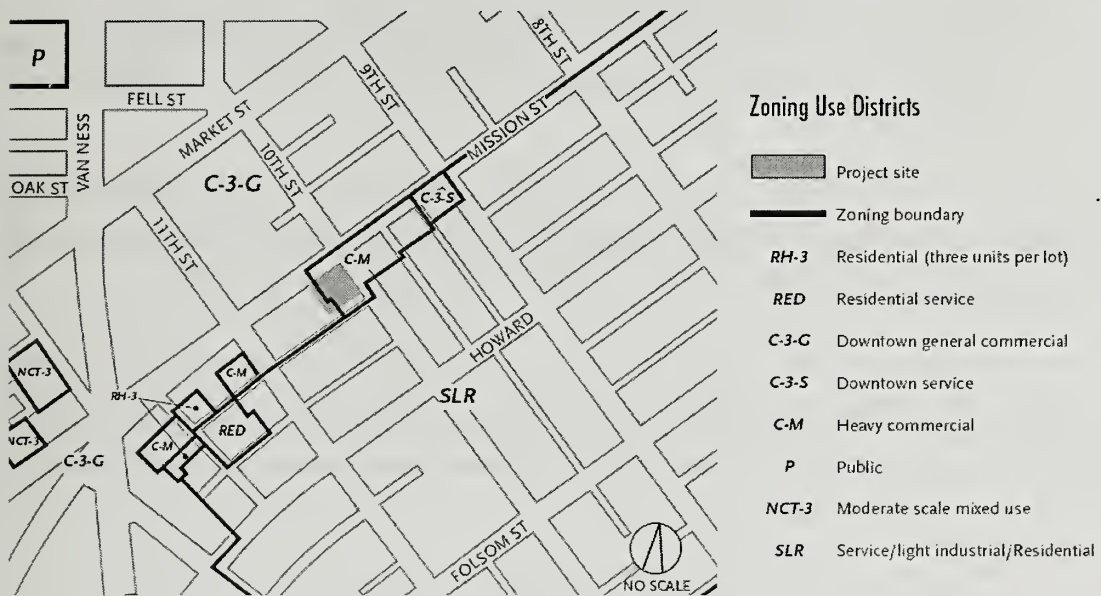
Response 2.3

The discussion of land use and height and bulk in the Setting section provides contextual baseline information on existing conditions. Figure 9, Zoning Use and Height and Bulk Districts, Draft EIR page 44 is reproduced here for ease of reading, as Figure C&R.1 on the following page. As shown in the figure, the project site is within a two- to three-block-long, approximately one-block-wide area along the south side of Mission Street that is zoned C-M (Heavy Commercial). The project area includes a complex pattern of varied zoning districts and height and bulk districts along with land uses and building heights and massing. The area lies between the C-3-G (Downtown General Commercial) District to the north, which has height districts ranging from 40 feet to 400 feet, and the SLR (Service, Light Industrial, Residential) District, beginning on the south side of Minna Street, with its maximum 50-foot allowable height. There is a small, one-half-block island of RED one block southwest of the project site, along with small (less than one block) islands of C-M, RH-3 (Residential, House, Three-Family), and C-3-S (Downtown Support) districts.

Figure 9 shows that the *Planning Code* does provide for gradual transitions in the wider area around the project site. With some of the immediately surrounding height and bulk districts, the figure shows sharp contrasts of height juxtapositions, including 130-L and 40-X, 130-L and 85-X, 85-X and 40-X, 130-L and 50-X, 160-M and 50-X, 200-S and 50-X, 85-X and 120-400, 320-S and 200-S. The project site’s 130-foot height limit is both lower and higher than that on some adjacent parcels, and on parcels north and south of Mission Street. The area on the north side of Minna Street, a narrow, minor street (or alleyway), is mapped as a 40-foot height limit within the Market-Octavia Area Plan partly because of the alleyway’s narrowness. The project is in a transitional area from the higher heights to the north and the lower heights to the south.

Sharp height contrasts in the city, while not an urban design principle to be applied everywhere, is not intrinsically negative, as noted in the Urban Design Element (Policy 3.1, Promote harmony in the visual relationship and transitions between new and older buildings).

- “• Although contrasts and juxtapositions at the edges of districts of different scale are sometimes pleasing, the transition between such districts should generally be gradual in order to make the city’s larger pattern visible and avoid overwhelming of the district of smaller scale.



Source: City of San Francisco

2-18-09

Zoning Use and Height and Bulk Districts Figure C&R.1
(Draft EIR Figure 9)

- “• In new, high-density residential areas near downtown where towers are being contemplated ... It is thus to be expected that some tall buildings will be located adjacent to buildings of significantly lower height. This does not in itself, create disharmony or poor transition ...”

The project site is located in an area of many varying districts addressing multiple planning conditions and purposes. As a result, a number of valid planning solutions could likely apply to the project site and nearby sites.

In response to issues raised early in the project planning process, after publication of the Notice of Preparation on December 29, 2007, and prior to the publication of the Draft EIR on February 25, 2009, the original proposal for a larger project was revised to create a smaller project. A summary of those changes are outlined below.

- Height was reduced from 150 feet to 130 feet.
- The quantity of residential units was reduced from 156 to 117.
- The proportion of two-bedroom units was increased from 12 percent to 44 percent of all units.
- One level of the parking garage was eliminated, reducing the number of off-street parking spaces to 46 self-park spaces (or the equivalent of 101 valet spaces) from 78 self-park spaces (or the equivalent of 136 valet spaces).
- A setback was provided along the southern property line and south-facing windows and decks were incorporated into the design in order to eliminate the blank wall along the south elevation.
- A parapet base element corresponding to the rooflines of adjacent buildings on Tenth Street and Mission Street was incorporated.
- The Mission and Tenth Street elevations were broken into discrete façade sections to provide a transition to the smaller scale buildings to the south.

The Draft EIR assessed the potential land use and aesthetic environmental impacts on pages 59 – 61 and 64 – 74, respectively. The aesthetic environmental assessment of visual character included four photo-simulated views on pages 66 – 69. The conclusion of the Draft EIR assessment is that the proposed project would have less-than-significant land use and aesthetic impacts. At the end of the Land Use section, on page 59, the Draft EIR concludes that “While the project would intensify residential development in the area, residential use is an existing use in the vicinity and the project impact would be less than significant.” At the end of the aesthetics assessment on page 72, the Draft EIR notes that the design aspects of the proposed project would undergo evaluation by the Planning Department and Planning Commission as part of the project review,

which is separate from the environmental review process. It also states that design and aesthetics are by definition subjective and open to interpretation by decision-makers and members of the public.

Comment 2.4

"The developer's objectives that would not be met with a smaller version of this project are the following:

- "• 'Meet the project sponsor's objective of a reasonable return on investment' (profit should not be the driving factor for development at the expense of livability for the existing neighborhood... there is a balance).
- "• 'The goal of anchoring the corner site with a visually prominent building' (That is a very personal goal. The Neighborhood's goal is to anchor it with a park and the existing neighborhood and residents and businesses certainly need to have a voice)." (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 2.4

CEQA Guidelines Section 15124(b) requires that the EIR include "a statement of objectives sought by the proposed project." Because the project proposal is for development of private property not public property, the statement of objectives reflects the goals of the project sponsor. The project sponsor's objectives, while potentially different from a variety of objectives that members of the public may hold, do reflect some public objectives embodied in the *General Plan* and the *Planning Code* that govern development of the privately owned project site.

As required by CEQA, the Draft EIR lists the project's objectives and assesses the degree to which each alternative would meet them. The Draft EIR, on page 40, includes lists the project sponsor's eight objectives. The two objectives quoted in the comment that the alternatives would not meet are listed at the end of the subsections discussing the Existing Zoning Alternative and the Reduced Scale Alternative on pages 157 and 159 in the Draft EIR, respectively. Those passages simply note the degree to which the project sponsor's project objectives would not be met. The Planning Commission will consider comments on the merits of the project submitted by the public subsequent to EIR certification and during deliberation of project approval.

Plans and Policies

Comment 2.5

"p. 44 Area Plans—please show on a map the most recent area plans that govern this area, along with information on when they were adopted. This would include: Market-Octavia Plan, Downtown Plan, boundaries of the 'currently undergoing environmental review' West SOMA Plan, the 1990 South of Market Plan which guides the area south of Mission until it is revised. In the case of this site, which has

C-M zoning and a 130-foot height limit, please also provide the date that C-M zoning was imposed, as well as the date of the 130' height.

"I believe that an honest description of this area would show attempts from the 1980s to present to relate the zoning to the existing lower scale of development south of Mission (e.g. this site) as compared to the higher heights north of Mission. The maps don't explain much." (*Sue Hestor, written comments*)

Response 2.5

The project site is at the edge of or near a variety of districts addressing multiple planning conditions and purposes. Figure C&R.2, on the next page, illustrates the boundaries of the existing plans around the project site. Neither the Market-Octavia Plan nor the 1990 South of Market (SOM) Area Plan guide development on the project site because the project site is not located within either plan area. Nor is the project site within the proposed Draft Western SoMa Plan area. The project site has been zoned C-M for at least the past 30 years.

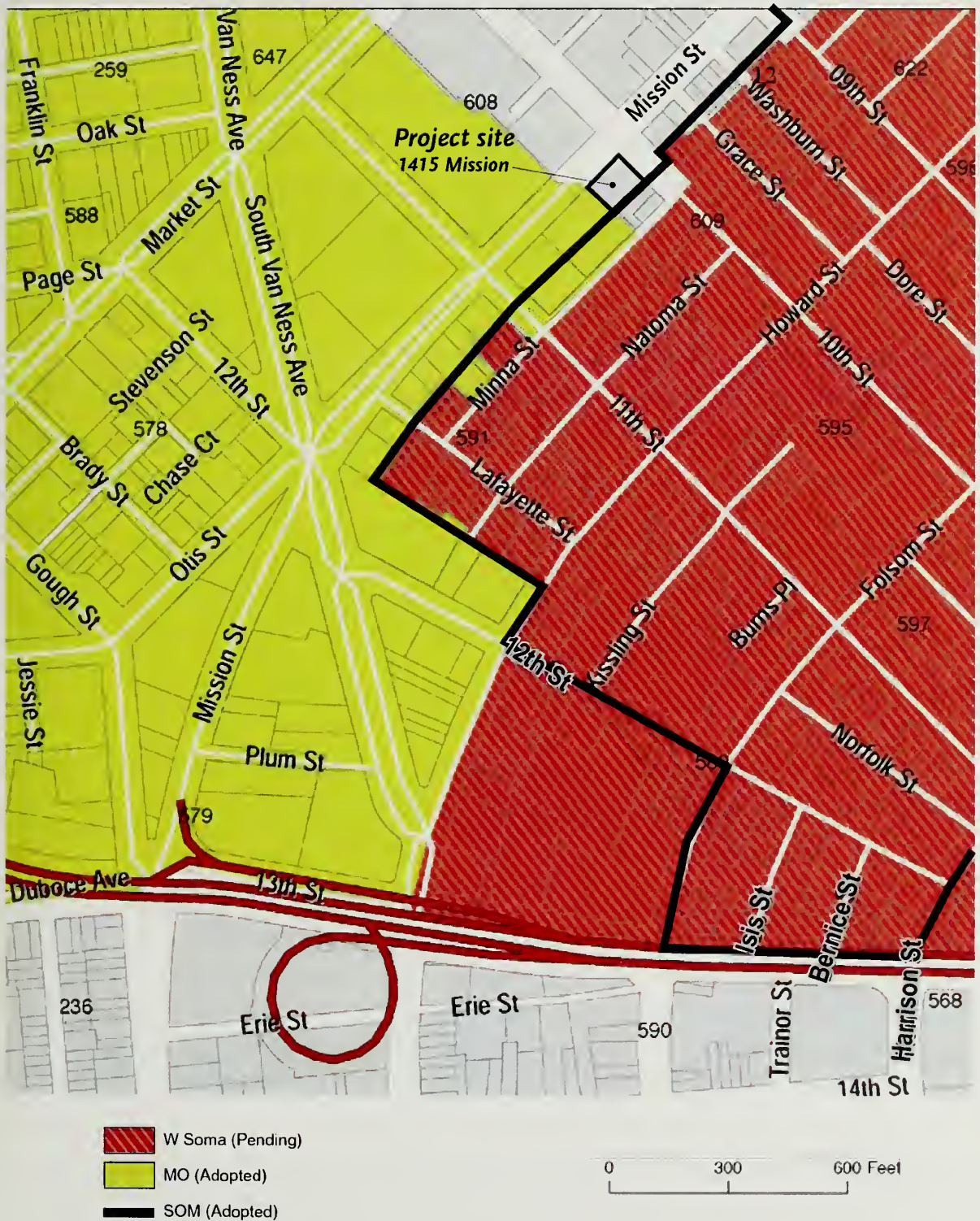
Comment 2.6

"p. 42—please explain why this site was in, then taken out, of the boundaries of the Market-Octavia Plan. Having attended many of the M/O hearings, almost no community discussion was given to areas south of Market and east of Van Ness. The discussion of 'across the street' M/O zoning seems to only cut one way—in favor of increased housing density. Explain why lowered heights—to 85'—are not a larger clue as to the intention to reduce heights so they are more compatible with existing residences in the South of Market. Again, when was the 130' height established, and was it part of a comprehensive community plan?" (*Sue Hestor, written comments*)

Response 2.6

The project site, along with some other parcels in the eastern Market-Octavia Plan area that were also in the Mid-Market Redevelopment Plan area were taken out of the Market-Octavia Plan in order to avoid duplicative planning and potential implementation conflicts. The Mid-Market Redevelopment Plan was recommended for approval by the Planning Commission and Redevelopment Commission, but was never adopted by the Board of Supervisors.

The Draft EIR discusses all of the plan areas near the project site and the *Planning Code* land use controls that apply to the project site. Pages 42 and 43 of the Draft EIR include a discussion of heights and land uses surrounding the project site. This discussion covers five points: (1) the limited reduction in heights in the Market-Octavia Plan area; (2) the height limits and high density development trends in the area north of the project site; (3) the variety of height districts surrounding the project site; (4) the lower heights south of the project site in the western SoMa area; and (5) the height proposals under the Draft Western SoMa Plan. The existing zoning controls are the land use controls that apply to the project site. The variation of existing controls



Source: During Associates

Area Plan Boundaries Figure C&R.2

in the nearby area and the multiple area plans surrounding the project site do not point to the existence of only one legitimate planning proposal on parcels near the project site, but suggest a variety of legitimate planning options.

The height reduction from 130 feet to 85 feet is limited to parcels fronting Mission Street east of Van Ness Avenue in the four blocks around the intersection of Eleventh and Mission streets (and one small area on the southeast corner of the Eleventh and Mission Street intersection). The new Market-Octavia Van Ness-Market Downtown Residential Special Use District is intended to encourage and facilitate new high-density housing by lifting residential density limits and allowing floor-area ratio bonuses above the existing maximum. The discussion notes the proposed project's consistency with the existing 130-L Height & Bulk District on the project site, Figure 9, Zoning Use and Height and Bulk Districts, page 44, illustrates the variety of surrounding height and bulk districts adjacent to the project site, which includes 150-S, 160-M, 50-X, 40-X, and 85-X. The discussion describes the intention of the Draft Western SoMa Plan to maintain the existing scale south of the project site by changing the 50-X Height and Bulk District to a combination of 55-X and 40-X Districts in the area, beginning one block south of the project site from Minna to Harrison Street.

Comment 2.7

"p.45—the proposed rezoning of this lot to C-3-G (from C-M zoning which governs a 3 'mini-block' stretch along the south side of Mission) is spot rezoning. Why was just this site proposed for rezoning? Over a year ago I sent a letter to Amit Ghosh about these 'orphan' C-M parcels, asking that Planning act to in an organized manner [to] rezone these C-M parcels, along with two on the block to the west, and several on lower Cortland. This would be a more responsible way to eliminate the C-M zoning category. The C-M zoning was basically obliterated by the Mission Area Plan. A planning solution would be to overhaul all of those sites, not indulge in spot zoning." (*Sue Hestor, written comments*)

Response 2.7

The proposed rezoning arises from a development proposal for one parcel, the subject project site, not from a public planning proposal for a number of parcels. The proposed project primarily responds only to land use controls and issues related to the project site's development. The purpose of the proposed project is not to overhaul the zoning of the C-M parcels near the proposed project but to develop the project site with a residential building. The project sponsor is proposing rezoning the project site to the underlying C-3-G District of the parcels immediately to the north, west, and northeast of the project site. In this way, the project site would not be an island, but part of an adjacent use district sharing similar development goals.

Comment 2.8

"The reference to the West SOMA Plan boundary ending at Minna would be more understandable if there was a map labeling Minna and showing the Plan boundary." (*Sue Hestor, written comments*)

Response 2.8

Figure C&R.1, above, illustrates the existing plans for the area around the project site, including the northern boundary of the Western SoMa Plan.

Comment 2.9

"Also, I think the complete response to objectives of the Market-Octavia Plan should be consulted including Western SoMa, which at that time was not even fully developed. So I would like to see references to both of those, including policy intent and physical guidelines." (*Commissioner Kathrin Moore, public hearing comments*)

Response 2.9

The project site is located just east of the eastern border of the Market-Octavia Plan area and one-half block north of the northern boundary of the Draft Western SoMa Plan, which is currently under preparation. The following discussion summarizes the objectives of each plan.

A summary of the Market-Octavia Plan's 22 objectives appear at the beginning of the Plan (see the Planning Department's website:

http://www.sfgov.org/site/uploadedfiles/planning/Better_Neighborhoods/MO_Area_Plan_adopted.pdf). Given the large planning area and the multiple subareas with different planning issues requiring different types of planning action, many aspects of the Market-Octavia Plan are not relevant to the eastern Market/Van Ness corner of the plan area located near the project site. Many of the Market-Octavia Plan objectives and policies address area- or subarea-wide issues, not specific parcel development (aside from some project-level policies for the Central Freeway parcels). Thus, the Draft EIR's assessment of the Market-Octavia Plan applicable to the east corner of the plan area, while immediately west of the project site, is correspondingly selective and limited.

Overall, the general thrust of the Market-Octavia Plan can be seen in its Figure 1, Plan Framework: Concept; Figure 2, Plan Framework Map; Map 1, Land Use Districts; Figure 3, Zoning District Table; and Map 3, Height Districts. The Plan intends to meet housing needs by building whole neighborhoods with varied transportation options. The Plan encourages high-density housing and supports uses close to transit service in the eastern corner of the plan area

near the project site. This eastern corner of the Plan area is zoned C-3-G-Van Ness & Market Downtown Residential SUD. The purpose of the district, as summarized in a table which follows in the Area Plan, is to “encourage transit-oriented high density mixed-use adjacent to the downtown core. [in] Mixed retail, office and housing in an 85 or 120 foot building base, with some residential towers allowed above the base at heights from 160 to 400 feet.” Heights in the eastern corner of the Plan area range from 85 feet along Mission Street to 400 feet at the intersection of Van Ness Avenue and Market Street.

A few of the Market-Octavia Plan’s land use policies relate to new buildings. Policy 1.1.2 concentrates more intense uses in areas well served by transit. Policy 1.2.1 states that building height should be related to street widths as indicated in Map 3, Height Districts. Policy 1.2.2 suggests maximizing housing opportunities and encouraging high-quality commercial spaces on the ground floor. Policy 1.2.4 encourages buildings of the same height along each side of major streets. Policy 1.2.8 encourages development of slender residential towers above the base height in the SoMa West area along South Van Ness Avenue between Market and Mission streets and along the Market street corridor. Objective 2.2 encourages construction of residential infill throughout the Plan area. Objective 3, Building with a Sense of Place, includes an inset table summarizing the Fundamental Design Principles for Building Massing and Articulation.

In addition, the Responses to Comments 2.1, 2.2, 2.4, 2.5, and 2.6 above note that the Draft EIR discusses the primary intentions of the Market-Octavia Plan for its eastern, Market/Van Ness corner. That intention is to lower heights from 130 feet to 85 feet on parcels facing Mission Street to the west of the project site for about one block and to encourage high-density residential development in the C-3-G Downtown Residential SUD north of the project site. Those responses also discuss the conceptual Draft Western SoMa Plan and its intentions to maintain the lower 50-foot height limit of the large existing SLR District south of the project site. The Draft Western SoMa Plan’s northern boundary extends along Minna Street one block south of the project site and generally includes the parcels south of Mission Street that do not front Mission Street (see Figure C&R 1).

The Draft Western SoMa Plan indicates that future zoning for the Tenth Street corridor could continue to allow commercial and industrial uses at lower stories with only residential uses permitted at the third story or higher. In contrast to the Market-Octavia plan area, the Draft Western SoMa Plan appears to maintain the existing scale of development and preserve arts and light industrial uses.

Beyond these land use and height parameters south of the project site, the Draft Western SoMa Plan does not yet have a summary list of objectives. However, the Plan's broader intentions can be summarized as follows.¹ The Draft Western SoMa Plan would establish the Western SoMa's mixed-use character as the Plan's model. The Plan sets a high priority on the need to buffer potential conflicts between existing land uses and future land uses (e.g. residential vs. industrial). Associated policies encourage new development that would create a viable, mixed-use neighborhood north of Harrison Street and a job district south of Harrison Street and the I-80 Freeway. The vision involves land uses ultimately progressing from a vibrant high-tech industry district along Townsend Street in the south to a small-scale, mixed-use, livable residential neighborhood north of Harrison Street. The Draft Western SoMa Plan would also relax existing limitations on office development, encourage residential-serving businesses north of Harrison Street and a creative and innovation-driven job base south of Harrison Street, and allow limited introduction of formula and large retail uses. The northernmost corner of the Draft Western SoMa Plan, to the south of the project site, is not a central feature of the Plan.

Comment 2.10

"Yes, I agree with the comments of Commissioner Moore. I was also reading—as I read through it, I noticed that when it refers to the Market-Octavia Plan and Western SoMa, I found it to be very selective in what was referenced. So I don't think it gave a very thorough analysis of how this project does or does not relate to the Market-Octavia Plan." (*Commissioner Christina Olague, public hearing comments*)

Response 2.10

The project site is outside the Market-Octavia Plan, adjacent to the eastern border of the Plan area. As such, the site's current C-M and 130-L Zoning Districts are the applicable land use, and height and bulk controls, respectively. Because the policies and controls anticipated in these plans do not apply to nor legally control development on the project site, the discussion of these plans in the Draft EIR is necessarily selective and limited. Please see the previous response, Response 2.9, for a more detailed discussion of these plans.

Comment 2.11

"...When it came to Market and Octavia and even Western SoMa, I just didn't feel it was really that thorough." (*Commissioner Christina Olague, public hearing comments*)

¹ Western SoMa Citizens Planning Task Force, *Western SoMa Community Plan*, Draft for Citizens Review, Chapter 1, Land Use (page 1-4 and Policies 1.2.2 and 1.2.5 in particular), August 14, 2008, http://www.sfgov.org/site/westernsoma_index.asp?id=68670, or the 72 MB PDF file of the Draft Plan: http://www.sfgov.org/site/uploadedfiles/westernsoma/CommunityPlan/WSoma_ComPlan_for_Citizens_ReviewVer3.pdf

Response 2.11

The comment is noted regarding the plan analyses of Market and Octavia and Western SoMa. Since the proposed project is not within either of these plan areas, an in-depth analysis of the plans was not conducted. No further response is required.

Comment 2.12

"Sometime back we were discussing Western SoMa. My considerations there were the fact that you have transitional zones. You don't just have these areas, eastern neighborhoods, downtown, Western SoMa, the rest of them in isolation. You get into a series of blocks on either side of the geographic boundaries where they are, at least in my estimation, transitional zones. And when you go from something that is zoned quite high to something that is zoned very moderate, it doesn't mean necessarily that the best land use planning is that abrupt change.

"There is such a thing as transitioning, and I am not sure that, in my mind, it is sufficiently taken into consideration here." (*Commissioner Ron Miguel, public hearing comments*)

Response 2.12

The environmental analyses in the Draft EIR are prepared based on the areas of potential physical environmental impacts. The studies are not restricted by boundaries of existing or draft plans or zoning districts. Policy issues related to transition between zones are considered in the planning case report during the project review process separate from environmental review. The policies related to transitional zones are described more fully in Response 2.3, on page C&R.8.

Comment 2.13

"The other thing is there are often comparison for areas that are zoned medium or fairly high, but aren't built that way yet. You might have something zoned for 85 feet. There's a two-story building on it or a one-story building. And when something is going up on an adjacent lot, we are given examples of—well, this is the bulk that can and probably will be built next door. Very little is built out to the absolute limits of height and bulk in this City. There are usually or should I use toned it down a bit. And so I find those to be very false assumptions and not realistic at all." (*Commissioner Ron Miguel, public hearing comments*)

Response 2.13

The *Planning Code* contains development parameters that are permitted and some that require Conditional Use Authorization, variances, or exceptions. The Draft EIR did not assume that all adjoining parcels would be built out to the maximum height and bulk; however, CEQA requires an analysis of reasonably foreseeable future projects. Consistent with this mandate the Draft EIR did analyze pending projects and projects under construction. These include the Mercy Housing project at Ninth and Tenth streets, between Mission and Jessie streets; the 35-story 1401 Market Street project at the southwest corner of Market and Tenth streets; the 260 dwelling-unit high-rise

residential development at 55 Ninth Street; and the 120-foot high, affordable 137 rental unit project at 1400 Mission Street, proposed by the Tenderloin Neighborhood Development Corporation (TNDC) and Citizens Housing Corporation.

The *Planning Code's* regulations implement the *General Plan's* underlying land use and development, open space and public parks, recreation, air quality, transportation, arts, community facilities, commerce and industry, housing, community safety, urban design, and environmental protection objectives and policies for the City and County of San Francisco. The Urban Design Element and various area plans recommend, or provide guidance, a set of height and bulk districts for the city based on a range of factors. The extent of actual development is determined by market forces and a range of planning processes, controls, and considerations. Some of the abruptness of building or zone transition is temporal as an area moves from a lower density past to a higher density future based on changing demographic and market conditions, lot by lot, through the planning review and approval process. The maximum development potential permitted in a zoning district is one of the facts to consider for any development proposal, as is the existing scale of development and the current planning vision for the respective area.

General Plan

Comment 2.14

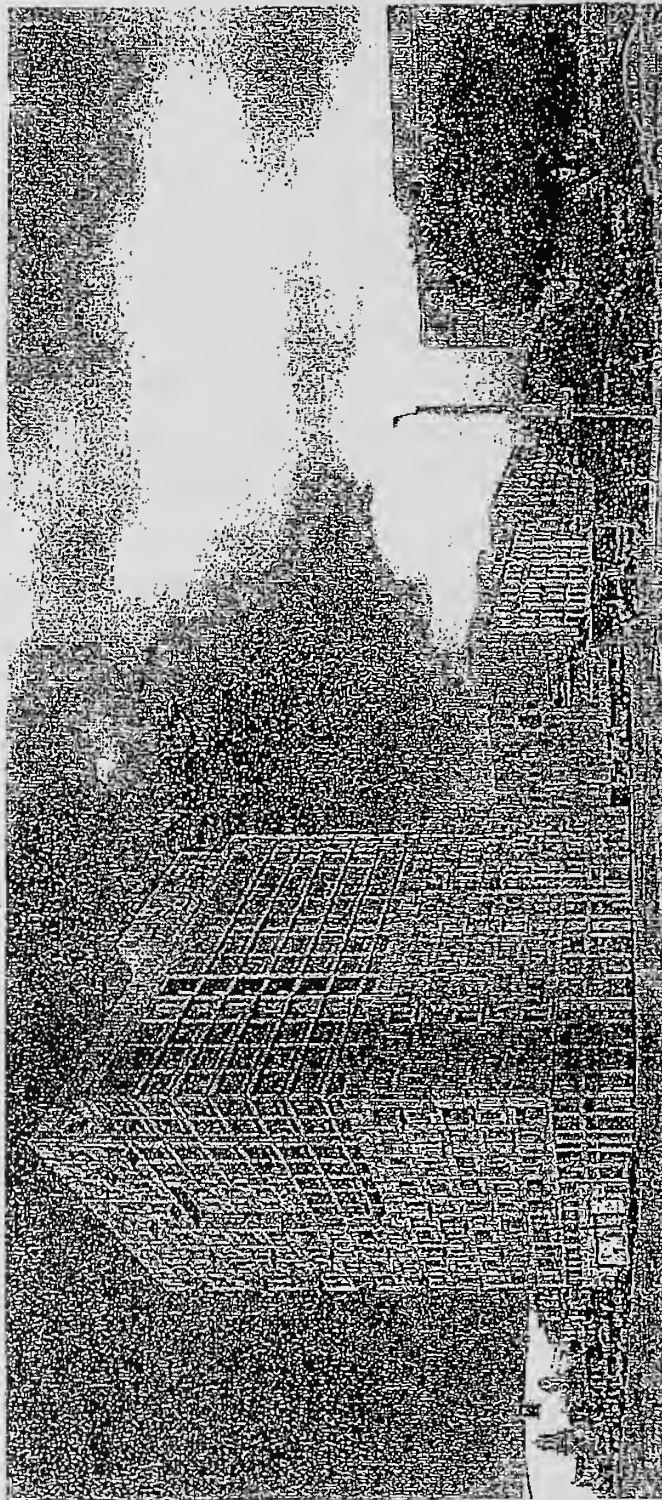
“According to the SF Planning Department: Plan Element Urban Design (Urban Design Element):

“‘Part 1 – City Pattern and Conservation’

- “• ‘Large buildings impair the character of older, small scale areas if no transition is made between small-scale and large-scale elements.’ (Part 1, p. 18, Fundamental Principles for Conservation, 4A)
- “• ‘Visually Strong Buildings which contrast severely with their surroundings impair the character of the area.’ (Part 1, p. 18, Fundamental Principles for Conservation, 4D). This directly affects the existing RED. (See picture [on] following page)

“‘Part 2 – Major New Development

- “• ‘The fitting in of new development is, in a broad sense, a matter of scale.’ (Part 2, p. 1, Human Needs)
The scale of the project does not correspond well with the existing scale of the RED and existing zoning immediately to the south.



1415 Mission Street
SAN FRANCISCO, CA
View from Mission St and 16th St
MILLERMANUS
8/15/21, 2008
R & K Investments

- "• 'Much effort has been made in the past to relate each new building to its neighbors at both upper and lower levels, and to avoid jarring contrasts that would upset city pattern. Special care has been accorded the edges of distinct districts, where transitions in scale are especially important.' (Part 2, p. 1, Human Needs)
- "• 'A building that is well designed in itself will help reinforce the city's form if it is well placed, but the same building at the wrong location can be utterly disruptive.' (Part 2, p. 2, Human Needs)
- "• 'The remaining aspect of building scale to be considered is that of bulk or the apparent massiveness of a building in relation to its surroundings. A building may appear to have great bulk whether or not it is of extraordinary height, and the result can be a blocking of near and distant views and a disconcerting dominance of the skyline and the neighborhood.' (Part 2, p. 2, Human Needs). This is consistent with our request for setbacks and lower height.
- "• 'The apparent bulk of a building depends primarily upon two factors: the amount of wall surface that is visible, and the degree to which the structure extends above its surroundings.' (Part 2, p. 2; Human Needs)
- "• 'Harmony with existing development requires careful consideration of the character of the surroundings at each construction site. The scale of each new building must be related to the prevailing height and bulk in the area, and to the wider effects upon the skyline, views and topographic form.' (Part 2, p.2, Objective 3: Moderation of Major New Development to Complement City Pattern, the Resources to be Conserved, and the Neighborhood Environment) Larger, taller buildings can blend pleasantly with small-scale areas if the change in scale is not excessive and if their form or surface pattern is articulated to reflect the existing scale. (Part 2, p. 3, Fundamental Principles for Major New Development, Item 1E)
- "• 'The relationship between areas of low, fine scaled buildings and areas of high, large-scaled buildings can be made more pleasing if the transition in building height and mass between such areas is gradual.' (Part 2, p. 4, Fundamental Principles for Major New Development, Item 4)
- "• 'A bulky building creates the most visual disruption when seen from a distance as the dominant silhouette against a background and/or foreground of much smaller structures.' (Part 2, p. 5, Fundamental Principles for Major New Development, Item 13)
- "• 'New buildings should be made sympathetic to the scale, form and proportion of older development. This can often be done by repeating existing building lines and surface treatment. Where new buildings reach exceptional height and bulk, large surfaces should be articulated and textured to reduce their apparent size and to reflect the pattern of older buildings. Although contrasts and juxtapositions at the edges of districts of different scale are sometimes pleasing, the transition between districts should generally be gradual in order to make the city's larger pattern visible and avoid overwhelming of the district of smaller scale. In transitions between districts and between properties, especially in areas of high intensity, the lower portions of buildings should be designed to promote easy circulation, good access to transit, good relationships among open spaces and maximum penetration of sunlight to ground level.' (Part 2, p. 6-7, Policy 3.1, Promote Harmony in the Visual Relationships and Transitions Between New and Older Buildings)
- "• 'Tall buildings should be clustered downtown and at other centers of activity to promote efficiency of commerce, to mark important transit facilities and to avoid unnecessary encroachment upon other areas of the City. In these areas, building height should taper down toward the edges to provide gradual transitions to other areas.' (Part 2, p. 8, Policy 3.5 – Relate the height of buildings to

important attributes of the city pattern and to the height and character of existing development, Map 4 – Urban Design Guidelines for height of buildings)

- “• ‘In residential areas of lower density, the established form of development is protected by limitations on coverage and requirements for yards and front setbacks. These standards assure provision of open space with new buildings and maintenance of sunlight and views. Such standards, and others that contribute to the livability and character of residential neighborhoods, should be safeguarded and strengthened.’ (Part 2, p. 25, Policy 4.15 – ‘Protect [sic] the livability and character of residential properties from the intrusion of incompatible new buildings’). This proposed building has walls that rise up 130 feet on all four sides.” (Eric Dash, written comments)

Response 2.14

All quotes from the *General Plan* are acknowledged. No further response is required.

Housing Element

Comment 2.15

“I didn’t think that the housing element was fully summarized either. I don’t know what other word she used. I think there’s too much picking and choosing. It is not really an overall—it is like, “Well, this confirms because.” What it doesn’t—it doesn’t conform in many ways to the Housing Element either as it relates to affordable housing; and of course, they mentioned the below-market-rate units but they don’t mention the fact—and then they mention how it conforms in some ways with the housing element, but then there are issues like—well, in the housing element, it mentions that we haven’t quite met our requirements as far as needing moderate family housing needs.

“So I don’t think that this EIR even comments on how this project does or doesn’t meet areas of the housing element that were deficient. So I just felt the analysis was weak when it came to the affordable housing, below-market-rate, and those types of things.” (Commissioner Christina Olague, public hearing comments)

Response 2.15

The proposed project supports the policies of the Housing Element applicable to project-level development proposals. It is consistent with some of the more general objectives and policies related to housing production. In addition, the project proposal fully complies with one of the Element’s implementing actions, Sections 3.15 to 3.15.9 of the *Planning Code*—the affordable housing ordinance—that requires private residential development to contribute towards meeting the City’s affordable housing goals and needs with the production of affordable units on site, off site, or through an in-lieu fee payment. The proposed project would construct 117 residential units, 18 of which would be below-market rate (BMR) units.

The Draft EIR discusses the City’s Housing Element and relevant policies on pages 48 and 49. It is a brief summary because much of what the Housing Element addresses requires public sector actions and programs, and because the discussion is an informational part of CEQA

environmental review. The Housing Element attempts to influence the aggregate effect of private sector and public sector actions to improve the quantity and quality of housing in San Francisco and to meet the housing needs of different groups of San Franciscans. It does this through a variety of mostly public initiatives. One of the City's Housing Element implementing actions to meet part of the City's affordable housing goals is the private sector contribution through *Planning Code* Section 3.15 to 315.9, as discussed in the Draft EIR on page 47. Related to the recent Housing Element Update, the share of affordable housing the City requires of private development projects was increased in August of 2006 from 12 percent of total units to 15 percent of total units when the affordable housing is to be provided on site. Of the proposed project's 117 units, 18 units would be affordable units provided on site, in compliance with the *Planning Code*.

The Draft EIR on page 48 states, "The objectives of the 2004 Housing Element address new housing supply, housing retention, housing condition, affordability, housing choice, homelessness, density/design/quality of life, and state and regional needs." The discussion in the Draft EIR focuses on key policies pertinent to project proposals and notes that the project's contribution to meeting citywide affordable housing production would be 18 of the proposed 117 units.

The following discussion summarizes San Francisco's housing production and need. Annual housing production in San Francisco from 1988-2007 has ranged from a low of about 380 units (1993) to a high of about 2,730 units (2003). The citywide annual average over that 20-year period is 1,540 units.² In May 2008, the Association of Bay Area Governments (ABAG) projected the Bay Area's need for housing based on their Regional Housing Needs Determination (RHND) 2007-2014 allocation, which included housing production goals for San Francisco. While the RHND methodology does not provide an estimate of true market demand for new housing production in San Francisco, it does set production targets based on past production trends, existing jobs-housing balances, and a desire to distribute income groups more equally among Bay Area cities. Based on this methodology, San Francisco was allocated the RHND estimated jurisdictional citywide need of 31,193 dwelling units or an average yearly need of 4,159 net new dwelling units.³

² City and County of San Francisco Planning Department, *Housing Element of the General Plan*, February 2003, page 29.

³ Association of Bay Area Governments, *Final Regional Housing Needs Allocation*, Adopted May 15, 2008, www.abag.ca.gov/planning/housingneeds/pdfs/Final_RHNA.pdf. The period is 7.5 years, from January 1, 2007 through June 30, 2014. Additional information regarding ABAG's 2007-2014 Regional Housing Needs Determination can be found at www.abag.ca.gov/planning/housingneeds. Also, San Francisco Planning Department, Draft Housing Element, Part I: Data and Needs Analysis, page 41.

The Housing Element includes an assessment of affordable housing need and historical production,⁴ while the Planning Department's annual Housing Inventory series summarizes annual housing production, including affordable units.⁵ The Housing Element (2004) indicates that approximately 32 percent of projected year 1999-2006 need is from existing household growth and that 68 percent is from the 50 percent share of employment growth that the City attempts to house in support of jobs/housing balance goals.

Table C&R 1 on the following page summarizes San Francisco's housing need and production from 1999-2006 and the estimated need and production for 2007-2014 from the recently released Draft Housing Element 2009).⁶

Between 1999-2006, San Francisco produced 17,473 housing units and met 85 percent of its total RHND goal of 20,372 units. It met 153 percent of its market-rate need and 48 percent of its affordable unit need. To meet the unmet need for affordable housing in the 1999-2006 period, the Housing Element contains an estimate that it would cost approximately \$200 million in capital financing.⁷ The estimated need for years 2007-2014 is 31,193 units, or an annual average of 4,159 units including 18,878 affordable units and 12,315 market rate units, which annually would be 2,517 and 1,642 units, respectively.

In comparison to the City's annual average need, the proposed project's provision of 18 affordable units would meet 0.7 percent of the projected 2007-2014 affordable housing need; and its provision of 99 market-rate units would meet six percent of the market-rate need.

Based on the average annual production of 1,540 units from 1988 to 2008, the City would be expected to meet approximately 37 percent of its annual need estimated for the 2007-2014 period.

However, at the more recent higher rate of production (an annual average of 2,108 units over the

⁴ San Francisco Planning Department, *Housing Element of the General Plan*, Part I: Data and Needs Analysis, Tables I-45, ABAG Housing Needs Assessment; 2004, Table I-50, New Construction Housing Need by Income Category; Table I-65, Annual Production Targets and Average Annual Housing Production; Table I-66, Housing Production Targets, 1999-June 2006 and Actual Production, 1999-2000; Table I-67, Estimated Capital Subsidies Required to meet Production Goals; on pages 65, 80, 120, 121, and 122, respectively.

⁵ San Francisco Planning Department, *2001-2004 Housing Inventory*, page 31, Table 20, New Affordable Housing Construction by Income Level 2001-2004; and the *2008 Housing Inventory*, page 21, Table 19, New Affordable Housing Construction by Income Level, 2004-2008.

⁶ San Francisco Planning Department, Draft Housing Element, Part I: Data and Needs Analysis, Table I-62, Annual Production Trends and Average Annual Production, San Francisco, 1999-2006 and Table I-63, Progress Towards Meeting Housing Production Targets, San Francisco, 2007—2014, page 80.

⁷ San Francisco Planning Department, *Housing Element of the General Plan*, Table I-67, Estimated Capital Subsidies Required to Meet Production Goals.

Table C&R.1 Affordable Housing Need and Production								
Income Category	Estimated Need 1999- 2006 (RHND)/1/		Production 1999-2006 /2/		Estimated Need 2007-2014 (RHND) /3/		Estimated Production 2007-2014 /4/	
	Units	Share	Units	Need Met	Units - Annual Period	Units	Units	Need Met
Very Low Income (< 50% AMI)	5,244	26%	4,342	83%	6,589	879	8,274	126%
Low Income (50%- 79% AMI)	2,126	10%	1,113	52%	5,535	738	485	9%
Moderate Income (80%-120% AMI)	5,639	28%	725	13%	6,754	901	3,168	47%
Subtotal Affordable	13,009	64%	6,180	48%	18,878	2,517	11,927	63%
Market Rate (over 120% AMI)	7,363	36%	11,293	153%	12,315	1,642	19,081	155%
TOTAL	20,372	100%	17,473	86%	31,193	4,159	31,008	99%

Notes:

AMI: Area Median Income.

/1/ Draft Housing Element, 2009, p. 80, Table I-62.

/2/ Draft Housing Element, 2009, p. 80, Table I-63.

/3/ ABAG RHND estimate of 31,193 rounded to 31,200 units; annual estimate based on 7.5 year period; estimates by income group based on 1999-2006 share.

/4/ Draft Housing Element, 2009, p. 80, Table I-63. Total estimated production requires adding together the "Limited Pipeline Total" and "Production 2007-2008" columns, and then using these totals to calculate a percentage share of goals met using the data in the "RHNA 2007-2014" column.

Source: Kearstin Dischinger, San Francisco Planning Department.

2004-2008 period), the City would be expected to meet 51 percent of its total need.⁸ With the higher rate of affordable housing production from 2004-2008 (679 affordable units), the City would be expected to meet about 26 percent of its affordable housing need between 2007-2014.⁹

⁸ San Francisco Planning Department, Housing Inventory 2008, p. 21, Table 19, New Affordable Housing Construction by Income Level, 2004-2008.

⁹ Ibid.

Based on a recent assessment of year 2007-2008 production and projects in various stages of permitting (the City's Pipeline project list), the Draft Housing Element 2009 contains an estimate that by 2014 the City may meet 63 percent of its affordable housing goal and 99 percent of its total housing production goal, with over production of needed units for the very low-income (126 percent) and market-rate (155 percent) categories, and under-production of the low- and moderate-income categories (30 percent).¹⁰

Project Approval

Comment 2.16

"So I am—I know that the analysis provided here mentions that overall it conforms—the height is set. I know it is 130-foot height. I know they are asking for a lot of exceptions and variances, but I guess under the current zoning only 57 units would be allowed under the C-M, and they are asking to increase it to 113, and that's one of the changes in the zoning of the code that they are asking for." (*Commissioner Christina Olague, public hearing comments*)

Response 2.16

The project sponsor proposes the construction of 117 residential units. For the size of the project site, only 57 units would be allowed in accordance with the C-M District. The proposed rezoning would allow greater residential density. However, the proposed project would exceed the principally permitted density in the C-3-G District of 125 square feet of lot area per unit or 91 units on the 11,424-square-foot project site. Hence, the project sponsor is requesting a Conditional Use Authorization for the additional dwelling units pursuant to *Planning Code* Sections 303(c) and 215(b). The Draft EIR includes this information on page 45. In addition, the Draft EIR summarizes the required project approvals on pages 40 and 41 and discusses them in more detail on pages 42 – 47.

Comment 2.17

"Let me see if I could find the one—"The project sponsor would seek Conditional Use Authorization for dwelling unit density in excess of one unit per 125 square feet of lot area pursuant to' —I'm not going to read the whole thing—"to exempt the floor area of on-site BMR units from the FAR limit pursuant to *Planning Code* Section 124, requires approval by the Zoning Administrator."

"But it was always my understanding that BMR units had to be equal to the market-rate units, so I am wondering how these exceptions would be granted." (*Commissioner Christina Olague, public hearing comments*)

¹⁰ San Francisco Planning Department, *Draft Housing Element, Part I: Data and Needs Analysis*, Table I-63, Progress Towards Meeting Housing Production Targets, San Francisco, 2007–2014, page 80. Total estimated production requires adding together the "Limited Pipeline Total" and "Production 2007-2008" columns, and then using these totals to calculate a percentage share of goals met using the data in the "RHNA 2007-2014" column.

Response 2.17

The BMR units in the proposed project would comply with all City requirements regarding residence size. The exception requested is not for a reduction in allowable size of the BMR units; rather, the sponsor seeks Conditional Use Authorization to exempt the floor area of the BMR units from the floor area ratio (FAR) limit, which governs the maximum number of dwelling units that can be built on the lot. Such an exemption is authorized per Section 124(f) of the *Planning Code*, provided the area of the units so exempted are made affordable for 20 years to households with incomes up to 150 percent of Average Median Income (AMI). The BMR units would meet this criterion. This exception is described on page 41 of the Draft EIR.

3. LAND USE

Setting

Comment 3.1

“p.57—the SOMA Grand is right next to Trinity Plaza and is a substantial new market-rate housing structure. It should be included on this list and map.” (*Sue Hestor, written comments*)

Response 3.1

The SOMA Grand project (at 1160 Mission Street on the north side of the block between Eighth and Seventh streets) was completed in 2007 and consists of 246 condominiums. Figure 11, page 57, does not extend far enough east to include the SOMA Grand location.

Comment 3.2

“p.56—there should be an emphasis that the uses north of Mission are different from the uses south of Mission. Mission is a dividing line on zoning maps and in actual usage. The scale is much lower, recognizing the long-standing pattern of low-scale housing on the interior of blocks south of Mission. That housing is an important resource for the City. This is a policy issue and is skirted in the text of the DEIR. Page 55 lists low residential buildings south of Mission, then much taller buildings north of Mission. This project will set a precedent of tall residential buildings in this end of south of Market. The precedential nature of the project must be discussed.” (*Sue Hestor, written comments*)

Response 3.2

The Draft EIR discusses the generally taller heights north of Mission Street and lower heights south of Mission Street. There is variation within this broad generalization. Existing development and *Planning Code* land use and development controls are different along Mission Street from controls that are prescribed north and south of Mission Street such that Mission Street itself is a

third, transitional area between the two, not just a simple boundary line. For instance, as shown in Figure 9, page 44 of the Draft EIR, (reproduced here as Figure C&R.1, page C&R.9), the lots surrounding the 130-L Height and Bulk District within which the project site is located are within the following Height and Bulk Districts (clock-wise from 12 o'clock): 150-S (on the north side of Mission Street); 160-M, 50-X, and 40-X (on the south side of Mission Street); and 85-X (on the north and south sides of Mission Street). Height limits range from 400 feet on Market Street one block north of the project site and 50 feet one-third of a block south of the project site. The project site's 130-foot height limit is lower than that on some adjacent parcels, lower than that on many parcels north of Mission Street, and higher than that on some adjacent parcels and on many parcels south of Mission Street. The project site's 130-L Height and Bulk District, and similar districts nearby along Mission Street, could be considered a transitional area from the higher heights to the north and the lower heights to the south. Along the block on the south side of Mission Street itself, beginning at the intersection of Van Ness/Mission (west of the project site), there is a 120-R-2 Height and Bulk District followed by an 85-X District on the parcels fronting Mission Street and 130-L, 40-X, 130-L, and 40-X Districts for the parcels fronting Minna Street (all west of the project site). Continuing east of the project site are the following districts: 160-M, 200-S and 65-X. Please see Response to Comments 2.1, 2.2, 2.4, 2.5, and 2.6, on pages C&R.7 – C&R.12 above, for a more detailed discussion of the zoning variety around the project site.

Based on the height and bulk districts along Mission Street (see Figure C&R.1, page 9), the dividing line between the taller structures to the north of Mission Street and the lower heights to the south of Mission Street is better understood as beginning south of Minna Street. The project site is in an area of mid-level heights along Mission Street, on a corner lot fronting Mission Street and Tenth Street.

The *Planning Code* height and bulk districts are not set by project precedent, but by urban design considerations and planning processes. The proposed 130-foot-tall building would comply with the existing *Planning Code*'s height limit of 130 feet. The proposed project would have no effect on the longstanding pattern of small housing on the blocks of low-rise development to the south.

Comment 3.3

"p.60—the ridiculous reference to the M/O plan takes absurd heights in the reference that high residential density has a less than significant impact in M/O. There was no public discussion of this site at the M/O hearings in conjunction with the certification of the M/O EIR." (*Sue Hestor, written comments*)

Response 3.3

The referenced passage is contained in the discussion of cumulative land use impacts. In this discussion, the Draft EIR (lines 11 and 12, page 60) states, “The Final Market-Octavia Plan EIR found that this increase would represent a less-than-significant land use impact.” The statement in the Draft EIR pertains only to land use impacts. The “increase” refers to construction of 4,440 new housing units that would produce the highest residential density in the eastern part of the Plan area. The Draft EIR, in accordance with CEQA, relies on the environmental assessment of the certified EIR on the Market-Octavia Plan for the significance of the Plan’s, and hence, foreseeable cumulative development’s land use impacts. The Draft EIR on the proposed project states in lines 10 and 11, page 60, that the proposed project’s site is not within the Market-Octavia Plan area, but that it is adjacent to the Plan and it is within the area analyzed by the Market-Octavia Plan EIR. The Market-Octavia Plan did not propose changes in zoning for the project site or other sites that are within the Mid-Market Redevelopment Plan area, but did include the area in its assessment. The balance of the Market-Octavia EIR analyzes potential environmental impacts associated with Plan build-out and density, and identifies two potential shadow impacts, seven intersection impacts, and one transit impact that would be significant and unavoidable. The proposed project would not make a considerable contribution to such impacts, nor have/or result in significant impacts on the Market-Octavia Plan area.

ZoningComment 3.4

“Height. The proposed building, whether commercial or residential, should not exceed 65 feet in height. In addition, the building should incorporate setbacks to make the building narrower as it reaches maximum height.” (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 3.4

The comment is noted. The project site is located within a 130-L Height and Bulk District. Section B, Project Characteristics, pages 30 – 40 in the Draft EIR, describes the proposed project in detail. The proposed 130-foot-high building would comply with existing height and bulk controls.

Comment 3.5

“I know that when I was speaking to some individuals from Western SoMa, they mentioned that currently, I believe, the adjacent [zoning] is SLR at the immediate adjacent lot. I think that is a 50-foot height. They are actually proposing a down-zoning to 40 feet and proposing it become zoned RSD, I believe.” (*Commissioner Christina Olague, public hearing comments*)

Response 3.5

As shown in Figure C&R.1, page 9, the height and bulk controls for the lots surrounding the project are 85-X to the west and 130-L to the south. The other parcels at the northwest and southwest corners of Tenth and Mission streets are within the 150-S Height and Bulk District, and the southeast corner lot is within the 160-M Height and Bulk District.

The adjacent lots are not part of the Draft Western SoMa Plan area. The immediate boundary of the Draft Western SoMa Plan is across Minna Street to the south of the project site. Currently, the area south of Minna Street is within an SLR District, and a 50-X Height and Bulk District.¹¹ The Modified Heights Scenario of the Draft Western SoMa Plan proposes a 55-X Height and Bulk District and a Western SoMa RCD District across Minna Street, south of the project site, except for some mid-block parcels that are proposed to be within an RED MX District and a 40-X Height and Bulk District.¹²

Population and Housing

Comment 3.6

"The number of cumulative units added north of Mission Street is 3,745 to 4,440. Doesn't this neighborhood already absorb more than its share of housing? Livability and the addition of open space, to address already serious deficiencies in open space for SOMA, should not be sacrificed at the expense of excessive density and unreasonable profit thresholds by developers." (*Eric Dash, written comments*)

Response 3.6

The estimated net new development associated with the Market-Octavia Plan would be up to 4,440 residential units throughout the plan area, not simply north of Mission Street in the eastern corner of the Plan area (Draft EIR, page 60). The primary purpose of the Market-Octavia Plan is to build whole, livable neighborhoods, as is the goal of the Draft Western SoMa Plan. The project site is not within the Western SoMa Plan area. It is presently occupied by a small surface parking lot with a small commercial building. It is not public open space, nor is it planned for public open space by the San Francisco Recreation & Park Department or the San Francisco Recreation & Park Commission.

Code-complying open space would be provided on-site for the residential units. The Western SoMa Plan would address the area-wide livability requirements of that planning area. Please see

¹¹ Western SoMa Citizens Planning Task Force, *Western SoMa Community Plan*, Draft for Citizens Review, August 14, 2008, Map-Western South of Market (Existing Height Limit), p. 1:12. http://www.sfgov.org/site/westernsoma_index.asp?id=68670.

¹² Ibid, Map-Western South of Market (Modified Heights Scenario), p. 1:13.

also Response 2.3 on page C&R.8 for more discussion of the environmental impacts of the Market-Octavia Plan build-out scenario.

Comment 3.7

“The second issue that I am commenting on is about the proliferation of market-rate housing projects in this area, in this immediate area in the face of (A) a downturn in the economy, (B) a proliferation of unbuilt projects that are market-rate housing projects; and (C) the immense need for below market-rate or, you know, or a 80 to 120 percent housing in the City.

“And the Planning Department does not do an analysis or discussion nor does MEA on how we are meeting our various housing targets in the City. There’s more than just market rate generically and low income generically.

“So that issue needs to be discussed. What is the market that this is being built for? The developer knows who the market is. Who does he anticipate by income level buying into this place? How much of that is already being built or has been built versus the need in the City—in the City’s general plans, specifically the housing element.” (*Sue Hestor, public hearing comments*)

Response 3.7

Please see Response to Comment 2.15 on page C&R.22 that describes the project in relation to the Housing Element and its needs analysis. The Planning Department conducts the overall assessment of housing need and production in the Housing Element’s needs analysis and in its annual Housing Inventory series. The needs analysis is an estimate of minimum need and not of the maximum amount of housing that should be built. The most recent needs analysis indicated that San Francisco is underproducing housing at all affordable income levels. If any housing in excess of the estimated minimum need were produced, it would act to moderate the general price of housing.¹³ Response 2.15 on page C&R.22 notes that the Housing Element contains policy guidance mostly for public sector responsibilities and initiatives, with only some affordable housing requirements that can be directed at development proposals on private properties. Private development contributes to meeting the City’s affordable housing need through the requirements of *Planning Code* Sections 3.15 – 315.9. Private development projects must provide 15 percent of their total residential units as affordable units. In addition, Section 3.15 contains other compliance provisions for off-site or in-lieu fee payments for affordable housing. These exactions from private development shift some of the profit produced by market-rate housing development to subsidize the unmet production costs of BMR units when sold or rented at various affordability levels. The proposed project would meet the City’s affordable housing

¹³ ABAG, *San Francisco Bay Area Housing Needs Plan, 2007 – 2014*, June 5, 2008, page 5. This document is available online at <http://www.abag.ca.gov/planning/pdfs/SFHousingNeedsPlan.pdf>. Accessed September 2, 2009.

requirement for private development projects—*Planning Code* Sections 315 – 315.9—with 18 of the 117 units being proposed as BMR units.

Comment 3.8

“Housing Demand—The projects listed in the Land Use section include many recently constructed buildings, as well as those which have been approved but are not yet built. The City has been approving many many high-end buildings for which there appears to be minimal ‘demand’ from SF residents. Please explain the prices at which those completed have sold, against the demand set out in the Housing Element. There is more than one category of ‘market rate.’ Please set out the income/prices needed (per the Housing Element) against the income/prices required to buy in a building listed in this section.” (*Sue Hestor, written comments*)

Response 3.8

The needs analysis of the Housing Element uses four income categories related to the area’s median income (AMI), as reproduced in Table C&R.1 in Response 2.15 on page C&R.25: very low income (below 50% AMI), low income (50-70% AMI), moderate income (80-120% AMI), and market rate (over 120% AMI). The Housing Element’s needs analysis only uses one income category for market-rate housing because its focus is meeting the City’s affordable housing need.

As noted in Response 2.15 on page C&R.22, the Housing Element estimates that approximately 32 percent of San Francisco’s housing demand is from existing residents’ household growth and that about 68 percent of the demand is related to job growth.¹⁴ The City assumes its responsibility as one of the region’s major employment centers to house its workforce by including in its estimate of housing need the demand from 50 percent of employment growth. Based on the housing needs estimate from 2007-2014 presented in Table C&R.1, the city’s total need is for approximately 31,200 units, of which there would be a need for about 19,923 affordable units and about 11,277 market-rate units.

¹⁴ San Francisco Planning Department, *Housing Element of the General Plan*, 2004. Part I: Data and Needs Analysis, p. 65, Table I-45, ABAG Housing Needs Assessment.

Comment 3.9

"I guess one thing I found sort of interesting too was one of the exceptions that is being requested had to do with FARs and below-market-rate units. And it was always my understanding that below-market-rate units had to be equal to the market-rate units in the project. So I was wondering—you know, I had questions about that. That would be page 41." (*Commissioner Christina Olague, public hearing comments*)

Response 3.9

Please see Response 2.17 on page C&R.27. The requested exception is not for smaller BMR units. The BMR units in the project would comply with the *Planning Code* requirement that they be comparable in number of bedrooms, exterior appearance, and overall quality of construction to the market-rate units in the building. The requested Conditional Use Authorization would exempt the square footage of the BMR units from the FAR limit.

4. AESTHETICS

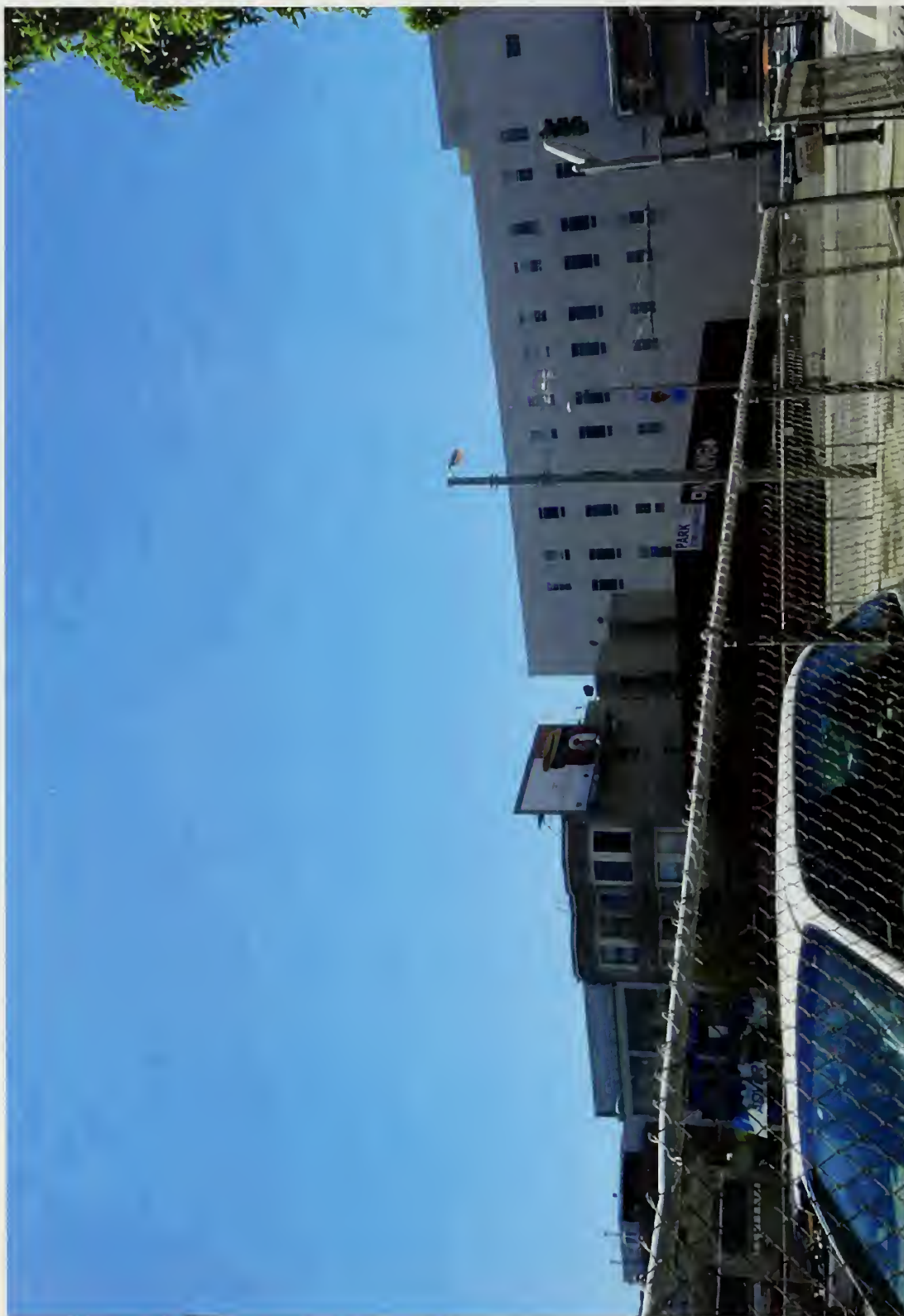
Comment 4.1

"South Side of Mission Street

- "• The RED on the north side of Minna is 40 foot zoning and all of Natoma is 50 foot zoning along with the greater part of 10th Street south Mission beginning at the south side of Minna Street. This borders the project immediately to the south.
- "• Market/Octavia on the south side of Mission Street, up to the eastern boundary of CIIS at 1453 Mission, was re-zoned down to 85 feet from 130 feet. This is the border immediately to the west of the proposed project. The CIIS building is 85 feet tall. All of its windows facing east will be blocked. (See picture 1 [following page]).
- "• 122 10th Street is directly adjacent to the south and its north windows would be fully blocked. This building is only 3 stories tall and immediately adjacent to the site with 40 foot zoning (See picture 1 [following page]).

"North Side of Mission Street

- "• All of the building heights above 100 feet are on the north side of Mission Street.
- "• Mercy Housing is 113 feet tall (123 at the top of the equipment).
- "• The southern end of the BofA building between Market and Mission, bordering 11th Street, is only 6 stories tall while the 20 story tower is further north.
- "• The SF Mart and Mart 2 are both the same height as mercy Housing." (*Eric Dash, Natoma Street Neighborhood Group, written comments*)



Picture 1 - View of CIIS and 122 10th Street and blocked windows and views due to 1415 Mission Street

Response 4.1

As discussed on Draft EIR pages 53 – 58, the project area supports a wide variety of land uses, such as commercial, office, retail (including apparel), restaurants, public storage, parking lots, and residential uses. The uses are housed in an equally wide variety of building types, sizes, and ages, with buildings ranging from two to 35 stories, and heights ranging up to 400 feet. As discussed on pages 42 and 43 of the Draft EIR, the project is within an area that is making a transition to increased development density, consistent with planning goals for the area, including the Western SoMa Plan Area and the Market-Octavia Plan Area adopted May 2008. (Although the project site is not within the Market-Octavia Plan Area, it is immediately adjacent to it, and was noted in the environmental review of the Plan.

The zoning and height and bulk districts in the project area reflect planning objectives to increase development density while distributing buildings in a mix of height and scale so that the area does not become dominated by tall and/or massive buildings that could overwhelm the pedestrian and residential experience. As noted on Draft EIR page 43, the height and bulk districts have also been arrayed so as to promote harmony in the visual relationships and transitions between new and old buildings.

The parcel to the south of the project site is within a 130-L Height and Bulk District, not 40-X. Only a corner of the property touches on the 40-X Height and Bulk District. See the discussion in Response 4.3, on page C&R.37 below, for more information. The comment incorrectly references RED zoning on the north side of Minna Street; as illustrated on Draft EIR Figure 9, the only RED zoning in the project vicinity is south of Minna and a block and a half west of the project site. The assertion that a 40-foot height limit applies along the north side of Minna and a 50-foot height limit applies to most of the area to the south is correct. However, the adjacent building to the south of the project site, at 122 Tenth Street, is within the same 130-L Height and Bulk District as the project. Its north-facing windows do not comply with the San Francisco *Building Code* (“unprotected” property-line windows). As acknowledged in the comment, the project site is bordered on the east by a 160-foot height district, and by 150-foot, 85-foot, and 130-foot height limits on the north, west, and south, respectively. Height limits of 200 feet, 250 feet, 320 feet, and 400 feet are located between Mission and Market streets in proximity to the project site.

The CIIS building at 1453 Mission Street does not extend to the property line and its windows would not be blocked. In addition, it is a wholly commercial building; thus, San Francisco *Building Code* and *Planning Code* light and air, and open space requirements are not applicable.

The Draft EIR acknowledges, on page 71, that the proposed project could block views of the surrounding buildings and portions of the sky, and concludes that reduced private views from some nearby residences would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals. Given the dense urban setting of the proposed project and the limited extent of the reduction in private views, the Draft EIR concluded that the proposed project's impact on private views would not be considered a potentially significant environmental impact. However, the comment is noted, and will be considered by decision makers during their deliberation on whether or not to approve the proposed project or one of the project alternatives.

Comment 4.2

“The project would be visually consistent with the heights of buildings to the north, and somewhat consistent with buildings to the south, but the project would be taller than and visually inconsistent with existing buildings to the east and south’ (P. 71 draft EIR).

“The height and mass of the project would be part of a trend and transition from the smaller structures south of Mission Street to the taller and bulkier projects proposed or under construction north of Mission Street.’ (P. 70 Draft EIR). The existing neighborhood strongly favors a transition and does not favor encroachment. A 146 foot tall building is disruptive rather than transitional.” (Eric Dash, Natoma Street Neighborhood Group, written comments

Response 4.2

The comment is noted, and will be considered by decision makers during their deliberations on whether or not to approve the proposed project or one of the project alternatives. Please see Response 3.2 on page C&R.27 for additional discussion. Also note that the proposed building would be 130 feet tall, and would measure 146 feet in height at the top of the elevator penthouse, consistent with *Planning Code* Section 260(b)(1)(B).

Comment 4.3

“Transitions

- “• From the Draft EIR... ‘The City’s height and bulk districts serve a variety of urban design purposes. (SF *Planning Code*, Sec. 251, height and Bulk Districts: Purposes). Principally these districts relate the height of new buildings to important attributes of the City pattern—such as the height, scale, the character of existing development—to avoid an overwhelming or dominating appearance. They also

promote harmony in the visual relationship and transitions between new and old buildings. There is a variety of height and bulk districts nearby, ranging from a high of 320 feet, on the block to the north of the project sight, to a low of 40 feet, adjacent to the project site to the west.’ (122 10th Street is actually to the south)” (Eric Dash, Natoma Street Neighborhood Group, written comments)

Response 4.3

The comment reiterates information presented in the Draft EIR, but does not comment on the adequacy of the Draft EIR, hence no further response is necessary. For clarification, the 40-foot height district west of the project site cited in the comment borders the project site for approximately nine feet along its 110-foot south property line. The 130-foot height district, within which the project site is located, continues across the remainder of the south property line, and the west property line abuts an 85-foot height district.

Comment 4.4

“Aesthetics in general—this is a blocky, tall building. The area around Market Street is particularly vulnerable to diagonal perspectives of buildings. The street patterns change at Market. It is much more likely that a building will be seen at an oblique angle, including from public sidewalks, so close to Market St. Please provide the worst perspectives where the building will be seen at an angle where two façades will be seen on the diagonal.” (Sue Hestor, written comments)

Response 4.4

As shown on Draft EIR Figure 12, on page 65, representative vantage points from public sidewalks were selected for visual simulations of the proposed project. Each of these viewpoints necessarily provides an oblique angle of view of the building from a street-level perspective. The comment regarding diagonal perspectives from Market Street is not relevant to the proposed project, because the project would not be visible from Market Street once the proposed projects on Market and Mission streets are completed. However, regarding the request for perspectives where the building is seen at an angle where two façades are seen on the diagonal, both Figure 13 and Figure 15 of the Draft EIR provide such viewpoints, showing the north and east façades simultaneously, as seen from north and east of the project site, respectively.

The comment that the proposed building is tall is acknowledged. The proposed building would comply with the height district in which it is located, and it is consistent in scale with other buildings in the area, as illustrated on Draft EIR Figures 14 and 16, on page 67 and page 69, respectively. The façades of the proposed building would be articulated by extensive fenestration, projecting balconies, sections of glass curtain walls, variation in building materials

and colors, and variations in the vertical planes (i.e., recessed or projecting) of the exterior façades.

Comment 4.5

“Photos—pp.66-69—I commented re aesthetics on the need to show perspectives where you see two elevations at the same time—the maximum bulky appearance. These are the photo perspectives that are relevant. Note on p. 69 the much more massive appearance of the project as compared to the Fox Plaza.

“This is relevant to the discussion on p. 70 re ‘more prominent structures.’ Where in recently adopted plans where that is considered to be a good thing? What are transition policies in the General Plan elements. This appears to be an extension of taller bulkier projects from the north of Mission down close to low scale housing in the south of Market. This is not consistent with how the City intends to deal with residents of low scale neighborhoods. The physical separation of Mission Street itself buffers the large buildings north of Mission from the housing south of Mission.” (*Sue Hestor, written comments*)

Response 4.5

Regarding perspectives showing two elevations simultaneously, as noted in the preceding response (Response 4.4), Draft EIR Figures 14 and 16 provide the requested perspectives. Regarding the more massive appearance of the project shown on Figure 16 in comparison with the Fox Plaza, this is a function of two important distinctions: (1) from the vantage point represented in the figure, the proposed project is approximately 300 feet away, while the Fox Plaza is more than 1,100 feet away; and (2) this perspective shows the narrow end of the Fox Plaza building, the façade of which is approximately 78 feet wide; however, its other façade is nearly three times as wide: approximately 225 feet wide, nearly twice the width of the proposed 1415 Mission Street building. As viewed from Market Street at a comparable distance (i.e., 300 feet), the Fox Plaza has a considerably more massive appearance than the proposed project.

As discussed in Response 3.2 on page C&R.27, the bulk and height districts have also been arrayed so as to promote harmony in the visual relationships between existing and new development. By virtue of the progressive changes in height allowed by the different height districts in the project area, they inherently provide for a transition between building sizes. As demonstrated in the Draft EIR, the project is consistent with the height and bulk requirements applicable to the 130-L Height and Bulk District in which it is located. The comment on the City’s planning intentions for residential neighborhoods is a policy issue that is beyond the scope of the EIR. However, the comment is noted, and will be considered by decision makers prior to making a decision on whether or not to approve the proposed project or one of the project alternatives.

Height

Comment 4.6

“p. 72—The second paragraph rather dishonestly discusses the M/O plan and its failure to reduce the height limit on this site: ‘The height limit for the project site was not changed from 130 feet (in the M/O plan.’ Why wasn’t it? Because this site was not included in the M/O plan.” (*Sue Hestor, written comments*)

Response 4.6

The referenced discussion on page 72 of the Draft EIR clearly states that the Market-Octavia Plan generally lowers height limits up to the west property line of the project site, and this was previously stated in the Draft EIR, on page 42, that the project site is not located within the Market-Octavia planning area. The statement that the height limit of the project site was not changed is merely a statement of fact, not an intention to mislead the reader. The same paragraph on page 72 acknowledges that the project would be notably taller than existing development to the east, south, and west.

Comment 4.7

“Secondly, I believe the comment on building form relative to impact and mandate for transitioning down to adjoining neighborhood is a very well-taken comment. This is basically a building which pops way above the prevailing heights. And while it anticipates the future change of district, that is not substantiated by anything and the more that it becomes important the, a need of tapering of building form is, I think, what we would be looking for. You cannot in the abstract say there’s something intended at some point in the future.” (*Commissioner Kathrin Moore, public hearing comments*)

Response 4.7

The Draft EIR includes discussion about the Market-Octavia Plan and other nearby planning areas along Market Street because these plans call for the adjustment of building heights, and otherwise provide for more transition areas between the Market Street corridor and generally lower density development several blocks south of Market and extend further southward. This discussion provides a context for the existing and planned building heights in the project vicinity. The Draft EIR does not state that a change in the project site’s height and bulk district is anticipated. The purpose of the Draft EIR is to evaluate the potential environmental effects of the project, including potential impacts on scenic vistas or other aesthetic impacts. As noted on page 70 of the Draft EIR, architecture and design considerations are subjective and are not the focus of the analysis of aesthetic impacts in environmental review. Merits of the proposed building’s architecture and design will be addressed by the Planning Department and the Planning Commission as part of the proposed project’s deliberation process, which is separate from this environmental review process.

Comment 4.8

“Why would you build this 16-story monstrosity in a community where buildings are typically a far less alienating five or six stories?” (*Richard Lynch, written comments*)

Response 4.8

As stated on pages 1, 2, 30, 62 and 70, in the Draft EIR, the proposed project would be a 14-story building, not 16 stories. The Draft EIR acknowledges that the proposed building would be the tallest building on the project block, but notes that it would be consistent with and part of an existing and planned transition of building height and mass from smaller structures located south of the project site to taller and bulkier buildings (including existing, proposed, or currently under construction) north of the project.

The Draft EIR acknowledges building heights south of the project site are shorter than the proposed project: on page 58, the Draft EIR notes the following building heights south of the project site: the three-story residential hotel immediately adjacent to the project site to the south (122 Tenth Street); a three-story industrial building further south (128-130 Tenth Street); a two-story commercial/office building (138-142 Tenth Street); a three-story residential building (154 Tenth Street); a two-story building with ground-floor auto service and office above (160 Tenth Street); a two-story public storage building (190 Tenth Street/1436 Howard Street; a three-story commercial building (113 Tenth Street), a vacant three-story retail/office building (115 Tenth Street), a three-story commercial/office building (123-127-131 Tenth Street), a vacant three-story commercial/office building (141 Tenth Street); a vacant two-story commercial building (147-149 Tenth Street), a two-story light industrial building (151 Tenth Street), a one-story commercial building (165 Tenth Street), and, at the northeast corner of Tenth and Howard Streets, a four-story office building.

By contrast, heights north of the project site are taller. The 12-story Mercy Housing project is under construction at the northwest corner of Tenth and Mission streets, a 20-story building is located one-half block northwest of the project site, an 11-story building is located one-half block north of the site, and a 30-story building is located one block to the north, as shown on Figure 16 on page 69 of the Draft EIR. In addition, eight-story and 24-story buildings are currently under construction just north of Market Street and a 35-story building and other high-rise buildings north of Market Street in the project vicinity have recently been approved. As illustrated in the visual simulation presented on Figure 14 on page 67 of the Draft EIR, the building would be compatible in scale to the existing buildings on the project block along Mission Street. Please see

Responses 3.2 and 3.3 on pages C&R.27 and C&R.29, for additional discussion regarding the building's size and compatibility with surrounding development.

Views

Comment 4.9

"Though there are not any scenic views that would be blocked, the view of the sky and other buildings in the distance would be blocked (see pictures on page 66, looking south toward views of Saint Josephs Church, a historical landmark, at 10th and Howard and views north on page 69 of open sky and distant buildings in the Draft EIR). In addition, this would block natural light (not shadow). This is generally referred to as 'access to light and air' by the Planning Department. From many of the residences on Natoma Street, we used to have views of Buena Vista Park and Grace Cathedral. These views have been fully blocked in the last 10 years and the neighborhood needs to preserve its existing views and access to light and air. (See pictures 2 – 9 [following pages]) (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 4.9

As discussed on page 71, the Draft EIR concluded that, due to existing intervening buildings, the project would not substantially alter street-level views to the south along Tenth Street, toward St. Joseph's Church; and that the project impact on this vista would be less than significant. The Natoma Street buildings are approximately 200 feet south of the project site, and their residents' access to light and air would not be blocked by the proposed 130-foot building.

The Draft EIR acknowledges on page 31 that the project would block private views from neighboring residences of surrounding buildings and portions of the sky. The Draft EIR noted that reduced private views from some nearby residences would be an unavoidable consequence of the proposed project and would be an undesirable change for the affected residents, but concluded that given the dense urban setting of the proposed project and the limited extent of the reduction in private views, the proposed project's impact on private views would not be considered a potentially significant environmental impact.



Picture 2 - Views from 940 Natoma Street looking north
There used to be complete views of Grace Cathedral prior to the Argentina



Picture 3 - View northeast from 940 Natoma Street



Picture 4 - View from 960 Natoma Street looking Northeast



Picture 5 - Views northwest of buildings and sky from Howard and 10th Street



Picture 6 - Line of sight from 1415 Mission to 960 Natoma



Picture 7 - Line of sight from 1415 Mission to 940 Natoma



Picture 8 - Line of sight from 1415 Mission to 920 Natoma



Picture 2 - Views from Market Street toward 10th and Mission showing potential to block views of St. Josephs

Variances

Comment 4.10

"I am not anti-development; however, I am very opposed to the Manhattanization of San Francisco and voted so when it was on our City and County ballot. There is no reason to build so high here. There are currently vacancies in buildings throughout the city. I guess a wealthy developer might like to sell \$2-to-3-million-priced units atop the valet parking site perhaps, but one person's financial interests should not outweigh more important issues--like increasing livability and quality of life in this city. Our neighborhood continues to be a bit sketchy and requires much better care and services. Dumping a 16-story building on a corner that once housed a one-story building is not a solution I as a homeowner can live with easily (and I sincerely want my neighborhood to come up)." (*Richard Lynch, written comments*)

Response 4.10

The comment is noted regarding the commenter's opinion about the size of the project. The project would be 14 stories, rather than 16. The proposed 14-story building would be reviewed as part of the deliberation of the project design by the Planning Commission. No further response is required.

5. TRANSPORTATION

Area Freeway Ramp Operations

Comment 5.1

"Thank you for continuing to include the California Department of Transportation Department in the environmental review process for the 1415 Mission Street Mixed Use Development Project. The following comments are based on the Draft Environmental Impact Report.

"Highway Operations

"Please include the following intersections in the traffic study:

- "• Duboce Avenue/13th Street/Mission Street/US-101 off-ramp
- "• Octavia Street/Market Street/US-101 off-ramp
- "• Bryant Street/9th Street/US-101 off-ramp
- "• Harrison Street/8th Street/Interstate 80 off-ramp" (*Lisa Carboni, Department of Transportation, written comments March 24, 2009*)

Response 5.1

On page 75 of the Draft EIR, the transportation study area (study area) is described as the area around the project site bounded by Hayes, Ninth, Folsom, and Twelfth streets, and Van Ness Avenue. The analysis included nine intersections within the study area that the proposed project would most likely affect: the intersections of Market/Ninth, Market/ Tenth, Market/Van Ness,

Mission/Ninth, Mission/Tenth, Mission/Eleventh, Mission/South Van Ness, Howard/Ninth, and Howard/Tenth streets. Intersections are analyzed during the weekday p.m. peak hour. Vehicle-trips are estimated based on the trip generation rates and mode split data in the San Francisco Planning Department's 2002 *Transportation Impact Analysis Guidelines for Environmental Review* (2002 SF Guidelines) and from 2000 Census data for census tract 176.01 (for the residential uses). The trip distribution patterns were calculated for both local and regional traffic scenarios.

The proposed project would generate approximately 30 vehicle trips (both inbound and outbound) during the p.m. peak hour. The Final Transportation Study for the Draft EIR indicated that the majority of the p.m. peak hour trips would be within the city of San Francisco, and therefore would not require the use of these freeway ramp intersections. Based on the Final Transportation Study, approximately two p.m. peak hour vehicle trips, each, would be coming from and going to the East Bay, the South Bay, and Superdistricts 3 and 4 (south and southwest of the Downtown area), and it would be these trips that would use the intersections identified by the commentor.

An increase of two inbound and outbound vehicle trips at the four intersections listed above would be a minimal addition consistent with daily variations at these intersections. Thus, the Planning Department does not believe that these four intersections should be included in the transportation analysis for this project. Additional coordination with Caltrans occurred, and CalTrans agreed with the Department's recommendation that additional counts are not required.

General

Comment 5.2

"Literally thousands of new units are being built near the 101 entrances in M/O, South Van Ness, and other ramps, so that the City is accommodating a Silicon Valley work force that has greater ability to pay the costs of this housing. This project with 117 dwelling units will have 101 parking spaces. But only 27 p.m. peak hour car trips. (p. 89) Market & Van Ness is now at C/D and will go to E/E. This intersection carries a substantial amount of Muni vehicles, and is a choke point on transit routes. MEA keeps saying that it doesn't matter how many parking spaces are provided in those buildings, because people won't drive. Further (p. 89) that 95 percent of the p.m. peak trips would be made within SF—despite the fact that does not match current employment patterns of the residents of new housing. Please explain this departure from common sense." (*Sue Hestor, written comments*)

Response 5.2

The proposed project would contain 117 residential units on the upper floors, and a three-level, subterranean garage with up to 46 independently accessible spaces or 101 valet residential parking spaces. About 205 new person-trips would be generated by the project during the p.m.

peak hour, of which 27 trips would be by automobile, 70 trips by transit, 16 trips by car pool, and 92 trips by walking or other modes. Given applicable vehicle occupancy rates, the 43 trips by automobile (27 auto and 16 carpool trips) would be equivalent to about 30 new vehicle trips during the p.m. peak hour.

The Draft EIR notes, on pages 7 and 91, that under 2020 cumulative conditions as compared to existing conditions, the intersections of Mission/South Van Ness and Market/Van Ness would deteriorate from Level of Service (LOS) E to LOS F, and LOS C to LOS E, respectively. The project's share of future traffic growth at these intersections would be approximately 0.1 percent at Market/Van Ness and approximately 0.4 percent at Mission/South Van Ness. For traffic movements that determine overall LOS performance at these intersections, the project would generally add traffic to movements that would continue to operate satisfactorily. The project would add some vehicles to one movement at each intersection that would operate poorly for 2020 cumulative conditions, but the project's contributions in each instance would be less than one percent. Therefore, project-generated traffic would not represent a considerable contribution to 2020 cumulative traffic conditions; and hence, the project would not have a significant cumulative traffic impact.

Both the distribution and the choice of travel mode (mode split) of the trips were based on U.S. 2000 Census data for Census Tract 176.01, in which the project is located. The number of vehicle-trips generated by the proposed project was determined from the auto person-trips and average vehicle occupancy rate (VOA) of 1.37 for residential use, as obtained from the U.S. 2000 Census data. Overall, approximately 95 percent of the trips generated by the residential uses of the proposed project would be made within San Francisco, with the rest made to and from the East Bay, South Bay, and North Bay. Of the work trips generated by the non-residential uses, about 62 percent would be made within San Francisco, with about 23 percent made to and from the East Bay, three percent to and from the North Bay, and about 11 percent to and from the South Bay. Also see Response 5.12 on page C&R.59.

The San Francisco Planning Department Residential Travel Behavior Survey Final Report (December 2008, page 9) prepared for the Transbay Terminal Transit District project do not support the commenter's assertions regarding employment patterns of City residents in the South of Market Area. The survey found that overall, approximately 72 percent of the workers sampled reported working within the city of San Francisco.

Comment 5.3

"....Please provide a graphic showing the most routes to/from freeway entrances, both going east and south." (*Sue Hestor, written comments*)

Response 5.3

On Figure 17, page 76 in the Draft EIR, the access routes in the project area to/from the freeways are shown and include:

- Duboce Avenue/13th Street/Mission Street/US-101 off-ramp
- Octavia Boulevard/Market Street/US-101 off-ramp/on-ramp
- South Van Ness/Duboce Avenue/US-101 on-ramp
- Bryant Street/Ninth Street/US-101 off-ramp
- Harrison Street/Eighth Street/Interstate 80 off-ramp
- Bryant Street/Interstate 80 on-ramp

Comment 5.4

"p.86—you have a plan showing bicycle circulation, but omit general traffic circulation. Please show all one-way streets including alleys so that how people can access/leave project garage can be figured out. Alleys have housing on them and encouraging/accommodating additional traffic from the cars in this garage should be explicit. It would be helpful to also show the garage entrances/exits, along with the maximum number of parking spaces in that building, from recently approved high-rise housing south of Market. You already have a list of projects in the DEIR." (*Sue Hestor, written comments*)

Response 5.4

Figure 17, page 76 in the Draft EIR shows the streets and the proposed project, including local streets and alleys. Local street design also is further described in roadway network section on pages 77 and 78. Project access, including the proposed Tenth Street driveway, is identified in Figure 3, page 33. The proposed project is located on the southwest corner of Mission and Tenth streets; its site does not currently have, nor would the proposed project have, any access from Minna Street, located a half-block to the south. Driveways are not provided on parcels south of the project site along Tenth Street.

Comment 5.5

"Page 39 elevation shows the garage entrance/exit to this project on 10th Street. Please set out the path of travel for cars using the garage, showing one-way streets in the immediate area, so that it is possible to see how a car travelling to the freeway entrance at South Van Ness near 13th and from the Central Freeway exit at 9th Street." (*Sue Hestor, written comments*)

Response 5.5

Mission Street is a two-way, east-west roadway with two lanes in each direction; Tenth Street is a one-way, four-lane southbound roadway; Howard is one-way with four lanes westbound until Twelfth Street, and Eleventh Street is a two-way, north-south roadway. Left turns from Howard to South Van Ness Avenue are not permitted. Therefore, as indicated in the Transportation Study, outbound traffic to nearby eastbound and southbound freeways would likely travel down Tenth Street to 101 southbound or to Eighth Street/Bryant Street for eastbound I-80. For analysis of inbound traffic to the project site, the Transportation Study accounted for inbound west and northbound traffic from Mission Street (from U.S. 101/Twelfth Street off-ramp), Market (from 101 and Market Street), Harrison (westbound I-80/Eighth and Harrison off-ramp), and Ninth Street (eastbound I-80/northbound 101/Ninth and Bryant off-ramp). Traffic to and from North Bay and local traffic were also accounted for, and are further discussed on page 89 of the Draft EIR.

Project Trip GenerationComment 5.6

"...The analysis of the vehicle trips may be too general for the Western SOMA area. The location is favorable for people who work in the Peninsula or East Bay due to the easy access to freeways. CalTrain's inadequacies are also demonstrated by commute times to simply reach CalTrain from most parts of the City and also the arrival points of CalTrain in the Peninsula that leave the commuter far from places of work. The easy access for vehicle usage for those who prefer to use cars to commute due to these shortcomings is a selling point to buyers/renters when attempting to market the units that specifically attracts tenants that have a greater propensity to own cars to the Western SOMA area. Claims of nearby public transit would convince people to eliminate cars may be overstated due to Peninsula commuters and tenants who desire to have a car for leaving the city (leisure)." (Eric Dash, *Natoma Street Neighborhood Group*, written comments)

Response 5.6

The trip generation and mode splits are discussed on page 89 in the Draft EIR. The travel demand, parking demand, and freight/service loading demand estimates were based on the methodology and assumptions developed by the Planning Department and published in the *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (SF Guidelines).

To estimate the number of new person-trips that would be generated by the proposed project, residential trip generation rates were applied to the type and number of proposed residential units; and building management office and retail trip generation rates were applied to those uses. Person-trips were calculated on weekday daily and p.m. peak-hour bases. These person-trips were distributed to eight geographical areas, including the four quadrants of San Francisco, the

East Bay, the North Bay, the South Bay, and outside the area, and were assigned to the various available travel modes (auto, transit, walk, and other modes). Both the distribution and the choice of travel mode (mode split) of the trips were based on U.S. 2000 Census data for census tract 176.01, in which the project is located. The number of vehicle-trips generated by the proposed project was determined from the auto person-trips and average vehicle occupancy obtained from the U.S. Census data.

Parking

Comment 5.7

"Parking

"No variance should be granted for parking in order not to exacerbate existing parking limitations, especially during the day.

- "• The project would create a demand for 158 spaces under the proposed revised zoning to C-3-G. The building will only have 46 spaces (self-park) or 101 valet spaces. Daytime parking is at full capacity and at about 35% during the evenings. Under the current C-M zoning, the project would require 57 spaces (57 units would be created instead of 117 units). Under C-3-G, the maximum is 116 spaces or 117 under current C-M zoning if 117 units are built.

- "• Parking breakdown per unit

- "- 65 studio/1 bedroom allowed up to 49 spaces
- "- 52 2-bedroom units allowed up to 52 spaces
- "- The total parking demand of 158 spaces would exceed the capacity of the proposed 116-space garage (valet) by 12 spaces (and would exceed the proposed garage's self park capacity of 61 cars by 97 spaces) as per the Draft EIR." (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 5.7

The parking calculations referenced by the commenter are found on pages 95 and 96 of the Draft EIR. No variance from the required number of parking spaces is being requested. The project sponsor is seeking a *Planning Code* Sec 309 exception in order to provide more spaces than the 29 principally permitted spaces, not less. For the proposed project, parking in excess of 101 residential spaces could not be permitted in the C-3-G District. Furthermore, C-M zoning would not allow construction of 117 units due to its residential density requirements (the number of dwelling units permitted based on size of the project site).

Comment 5.8

"...Secondly, in terms of parking, this is a neighborhood that operates at 97 percent of capacity during the day in terms of parking, and the parking variance that is being sought on this we do find it is a significant

impact to provide any sort of parking variance given the capacity of parking in the neighborhood at the moment.” (Eric Dash, Natoma Street Neighborhood Group, public hearing comments)

Response 5.8

As stated in the above response, no parking variance is being sought. San Francisco transportation planners do not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA.

Comment 5.9

“Oh yes, and [the Market-Octavia Plan’s] limits on parking, which seem even more important at a site that is literally surrounded by transit service that will be compromised by additional cars, coming from new parking, flowing into intersections that handle substantial Muni service while at the same time being at levels D or worse.” (Sue Hestor, written comments)

Response 5.9

Please see Response 1.2 on page C&R.5 for a discussion of the Market-Octavia Plan’s applicability to the proposed project. As noted in Response 5.2 above, the proposed project would include a three-level, subterranean garage with up to 46 independently accessible spaces, or 101 valet residential parking spaces. As such, the proposed project would comply with the limits on parking in C-3 Districts. For discussion of parking impacts of the project, please see pages 95 – 97 in the Draft EIR. The Draft EIR notes that availability of easily accessible transit service in the project area would likely influence some residents and retail patrons of the proposed project to shift from auto use to transit. In addition, the project would include a car-share parking space, and car-share programs are available off-site in the project neighborhood. The Draft EIR concluded, on page 95, that the project contribution to cumulative transit capacity utilization would be negligible. Thus, the proposed project would have a less-than-significant cumulative transit impact in San Francisco. If Muni’s plans for additional transit system capacity improvements are implemented, future ridership conditions would improve.

As noted above, the project’s share of future cumulative traffic growth would be approximately 0.1 percent at the Market/Van Ness intersection and approximately 0.4 percent at the Mission/South Van Ness intersection. The project traffic would not represent a considerable

contribution to 2020 cumulative traffic conditions; and therefore, the project would not have a significant cumulative traffic impact.

Comment 5.10

"I forgot to mention my really significant concern about the amount of parking which is suggested for this building. We are close to extremes at the intersection. That is the one of South Van Ness tracking over to Mission and Otis are almost unworkable today. By adding this amount of cars and providing kind of extra like for free parking, I believe that this project is seriously over-parked and is kind of not at all in keeping with the Transit-First Policy.

"In addition to that and in very close proximity, we are building other large parking reservoirs at Trinity Plaza when that comes on-line, and we are building significant amount of parking at Market and 10th, and the list goes on.

"We are looking at these projects always in an isolated fashion. Need parking. Need parking. Need parking. We rarely talk about the cumulative effect of bringing a large concentration of additional cars in these areas.

"I just want to flag that as something that I am definitely concerned about and would like see addressed more clearly in the DEIR." (*Commissioner Kathrin Moore, public hearing comments*)

"Yes, I have a problem as well on the parking side. I don't think it takes into consideration proposed projects as far as the need particularly for free parking." (*Commissioner Ron Miguel, public hearing comments*)

Response 5.10

The parking analysis is presented on pages 83, 84, 87, 88, and 95 to 97 of the Draft EIR. It analyzes on-street and off-street parking resources and conditions. New parking is being built for individual developments at the same time that surface parking lots are being replaced by new projects. The cumulative development impact assessment on page 97 of the Draft EIR includes a set of projects that would together add 3,872 new residential units to the area. The analysis indicates that both the proposed project and other development would have parking demand that could not be readily met by existing supply. The determination of less-than-significant parking impact is based on the City's long-standing policy that parking impacts are not physical environmental impacts, and that over time people make behavioral adjustments. The proposed project would meet the City's *Planning Code* requirements for on-site parking. As stated in the Draft EIR on page 97, the "proposed project would meet the policy intent of the *Planning Code*'s off-street parking requirements (Section 150(a)) to provide enough parking for consistency with the *General Plan*, support a balanced transportation system, using both private vehicles and

transit, discourage excessive amounts of parking and their associated adverse effects, and encourage public transit use as an alternative to travel by private automobile.”

The Draft EIR does address cumulative traffic impacts on pages 90 and 91. As shown in Table 4 in the Draft EIR, the intersection of Mission Street/Tenth Street currently operates at LOS C/E (the lower LOS E indicates private vehicle compliance with a bus-only lane). The LOS would not change with the inclusion of the proposed project. In the year 2020, the intersection would operate with an LOS of D/F; however, the project would not represent a considerable contribution to 2020 cumulative traffic conditions (less than one percent); and therefore, the project would not have a significant cumulative traffic impact.

Parking Demand

Comment 5.11

“For example, in our building, we have 8 units and there are 8 spaces and 8 cars (and a motorcycle and various bicycles). All 8 cars are not used except to leave the City for leisure. Otherwise, residents use public transit, walk, bike or motorcycle (everyone works in the City). Under the same assumption that each unit will have one car, but not use it except to leave the City, where will the potentially additional 97 (self-park scenario) or 42 (valet scenario) cars be parked during the week, including daytime, if parking is already at full capacity during the day (97% capacity)?

“Cumulative parking demand, exacerbated by the elimination of off-street parking from in-fill sites would ‘likely create parking deficits relative to demand as the proposed project would.’ As per the Draft EIR.” (*Eric Dash, written comments*)

Response 5.11

The cumulative parking conditions for the year 2020 are discussed on page 97 of the Draft EIR. New projects would eliminate some existing parking, add off-street parking in conformance with the *Planning Code*, increase the demand for parking, and likely create parking deficits relative to demand. Residents of these projects would face similar parking deficits and options as those of the proposed project. Since the City and County of San Francisco does not consider parking deficits significant physical environmental impacts under CEQA, and the *Planning Code*’s requirements for off-street parking meet the policy intent of the *General Plan*, particularly for residential development in a transit-rich area, the cumulative parking impact would be less than significant. Any such resulting shifts to transit service, in particular, would be in keeping with the City’s “Transit First” policy (as noted in the Draft EIR on pages 87 and 88). The City’s Transit First Policy, established in the City’s Charter Section 16.102, provides that “parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation.”

Traffic/Circulation

Comment 5.12

"P.89—project travel demand. Please explain the October 2002 guidelines re assumptions that the amount of parking in a building does not matter. If a building has literally hundreds of parking spaces it is treated the same as one with no parking. That even if parking is available, it won't affect people's decision whether or not to drive.

"At the time these Guidelines were adopted, how many high dense housing structures had been built near freeway entrances/exits, e.g. around Van Ness and Mission, Rincon Hill, and other similar areas? How much housing demand was for persons working in Silicon Valley, for whom a reverse commute can be attractive if a freeway entrance is nearby?" (*Sue Hestor, written comments*)

Response 5.12

As noted in Response 5.6 the *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (SF Guidelines) provide guidance to consultants as part of the EIR process including the review and content of transportation studies. The SF Guidelines state that the parking analysis for proposed projects would include parking demand and supply requirements, loading demand and loading supply requirements, and indicate how they should be calculated. Parking deficiencies or surpluses related to a proposed project are identified as well as the project's ingress/egress, bicycle parking, potential traffic conflicts with pedestrians, peak demands in loading requirements (pages 95 and 96 in the Draft EIR on parking), as well as the area for garbage/recycling pick-up.

Planning Department guidelines establish procedures for assigning the distribution of mode splits and vehicle work/non-work trips associated with the proposed project, and use the most recent available US Census journey-to-work data for the Census Tract in which the project is located as well as data from Citywide Travel Behavior Study that includes traffic assignments for vehicle trips for the North Bay, South Bay, and East Bay.

Pedestrians

Comment 5.13

"SF supervisors and mayor who is seemingly to be looking the other way again per your planning group in my neighborhood its literature states and I cut-and-paste quote:

""Goal T.3.P.1 Provide safe, efficient and pleasant pedestrian circulation in Western SOMA"

"ok a fine lofty goal in text, but per your actual actions already taken as of today, it is a reality in my neighborhood that you and yours have removed a sidewalk entirely, albeit a small one but an entire sidewalk with a new ugly building on Jesse [sic] Alley off 10th Street, northeast corner of Mission Street

huge complex going up now (2 of 2 huge complexes going into local area presently per your fatter wallet\$ and my now ever-thinning one)." (Richard Lynch, written comments)

Response 5.13

As noted in the Draft EIR on page 97, during the weekday p.m. peak hour, the proposed project would generate a total of 139 new pedestrian trips (70 transit and 69 walking). Pedestrian trips would be expected primarily to use Mission Street, because the main entrance of the building is on Mission Street, and because transit is available on Mission Street. Due to the easy availability of transit services in the study area, transit-related pedestrian trips due to the project would likely occur at bus stops within a block or two of the project site, on Market and Mission streets. The wide sidewalks on these streets (25 feet on Market and 10 feet on Mission Street) would be able to accommodate the additional pedestrian trips without causing significant circulation impacts along sidewalks and crosswalks, as noted in the Draft EIR on pages 97 and 98. The proposed project's increase in eastbound right-turn traffic at the Mission/Tenth Street intersection could increase the potential for vehicle/pedestrian conflicts at this intersection. However, the increase in potential pedestrian/vehicle conflicts would not be substantial. Thus, the proposed project's pedestrian circulation impacts were found to be less than significant.

Bicycle

Comment 5.14

"As a resident of this neighborhood as well as a daily cyclist, I am very concerned about this proposal.

"Further, you make no mention of facilities for bicyclists although you make full mention of catering to cars via valet parking-in an already very hazardous motorized traffic area. How do you plan to make the streets safer for cyclists and pedestrians in this transit-first city?" (Richard Lynch, written comments)

Response 5.14

Bicycle facilities related to the proposed project are discussed on pages 2, 8, 30, and 42 in the Draft EIR. A secure 42-space bicycle storage area would be located inside the proposed project building on the ground floor, and would be accessible via the residential lobby. The project site is currently a surface parking lot with multiple points of access on both Mission Street and Tenth Street, which have heavy traffic during peak hours. The proposed project would remove existing curb cuts reducing some of the potential vehicular conflicts with bicycles.

The City designated bike routes are identified on pages 84 and 85 and shown in Figure 19, page 86 in the Draft EIR. The proposed project's increase in bicycle trips (a portion of the 92

“walk/other” trips), as discussed on page 98 of the Draft EIR, would use existing bike routes and facilities in the area. Hence, the increase would not result in a significant bicycle impact.

Comments on Notice of Preparation

Comment 5.15

“I refer to the 1/10/08 letter on the NOP for this project from the Calif Department of Transportation. On page 2, under Community Planning, it asks MEA consider developing and applying pedestrian and bicycling performance measures as a means of evaluating project impacts on pedestrians and bicyclists. I don’t believe that has really been done in the DEIR. Go back and review this entire paragraph of comment. Please discuss impacts on people, those who walk the streets and bicycle. They face real problems in this area.” (*Sue Hestor, written comments*)

Response 5.15

On page 88 in the Draft EIR, the significance criteria used by the Planning Department for the determination of bicycle and pedestrian impacts are identified. For pedestrians, the project would have a significant effect on the environment if it would result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas. The Draft EIR concluded that there would not be any significant pedestrian impacts.

The project would have a significant effect on the environment if it would create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site and adjoining areas. The proposed project would result in an increase in the number of vehicles in the vicinity of the project site and thereby increase the potential for vehicle and bicycle conflicts; however, this increase would not be substantial enough to affect bicycle travel in the area. Therefore, the proposed project would not result in a significant bicycle impact.

6. WIND

Comment 6.1

“The wind study should be re-assessed due to the extremely hazardous wind conditions that are created by Fox Plaza and perpetuated by the existence of 120 foot tall buildings along 10th Street.” (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 6.1

The wind analysis included test points at the intersection of Tenth and Market streets, one block south of Fox Plaza, and along Tenth Street in proximity to the proposed project. The wind analysis was subsequently independently reviewed by a wind tunnel expert to verify the results¹⁵.

The wind tunnel analysis described in the Draft EIR, on pages 110 – 121, identified the existing wind conditions around the project site and compared the potential change of wind conditions due to the project within the existing setting and within a future cumulative scenario. In addition, the analysis included two other scenarios: existing conditions without the project, and existing conditions plus proposed cumulative development not including the project. The completed 1160 Mission Street building (SOMA Grand) and the recently completed Federal Building (with frontages on Market, Seventh, and Mission streets) were included in the existing conditions scenario. The following projects are included in the cumulative development scenario:

- Trinity project, at 1177 Market Street project (under construction)
- 1125 Market Street project (under review)
- Mercy residential project on Mission Street, between Ninth and Tenth streets (under construction)
- 77 Van Ness Avenue project (recently completed)
- 1 Polk project (completed)
- 55 Ninth Street project (approved)
- Fox Plaza project on Market Street (under review)
- Tenth and Market Street project (approved)
- 1355 Market Street project (included in the study, but application has since been withdrawn)

Using a wind tunnel and a scale model of the project site and surrounding area, wind speed measurements were taken at 27 test locations located along sidewalk areas adjacent to and near the project site. In accordance with the San Francisco wind ordinance methodology, the consultant tested four prevailing wind directions: northwest, west-northwest, west, and west-southwest.

Each wind tunnel measurement results in a ratio that relates the speed of ground-level wind to the speed at the elevation of the weather instruments on the roof of the old Federal Building in the Civic Center from which the original data base was assembled (see Response 6.12). The

¹⁵ Charles Bennett, Environmental Science Associates, and Bill Waechter, C.E.T., Project Director, Rowan, Williams, Davies & Irwin Inc.,

frequency with which a particular wind velocity is exceeded at any test location is then calculated by using the measured wind tunnel ratio and a specified ground speed to determine the corresponding reference wind speed for each direction. In general, this gives different reference speeds for each major directional component of the wind. The wind data for San Francisco are then used to calculate the percentage of the time that the specific ground-level wind speed is exceeded for each directional component. The sum of these is the total percentage of time that the specified ground-level wind speed is exceeded. A computer is used to calculate the total percentages for a series of wind speeds until speed exceeded ten percent of the time is found, for each location.

The mean wind speeds are compared to the comfort criterion of 11 mph for pedestrian areas, not to be exceeded more than ten percent of the time. Separate calculations evaluate compliance with the hazard criterion.

Comment 6.2

“Wind—The Fox Plaza create hazardous wind conditions and the wind is channeled down 10th Street. The consistency of 100 ft. tall buildings down this street perpetuates the problem. The existence of another building that is even taller will make the problem worse. A stepped-down smaller scale version will help this wind tunnel effect dissipate, whereas a taller one will exacerbate the problem.

“In regards to the wind study for 1415 Mission Street, the neighborhood has direct experience of experiencing wind that possibly reaches the wind hazard criteria along the 10th Street corridor between Market and Mission Streets. It is a recognized fact that the SW corner of 10th Street and Market Street reaches the wind hazard criteria due to Fox Plaza.” (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

“I am so glad the previous comments brought up the issue of wind because the winds at 10th and 11th at Market and Mission, Fox Plaza, are the worst in the City by every measurement the City has ever done, and the City keeps ignoring that.” (*Sue Hestor, public hearing comments*)

Response 6.2

The project would not generate significant wind impacts on wind conditions. With the proposed project building in the existing project area setting, the wind tunnel analysis did not identify any significant wind effects around the project site. A smaller building would not likely change the wind effects (although this can only be determined in a wind tunnel test). The relative height of a building is not the only consideration in determining the amount and turbulence of wind on sidewalk conditions. The design and massing of a building including setbacks and exterior architectural features on the façade can also affect wind speeds. Thus, taller buildings may not always result in increased wind conditions at the pedestrian level.

The wind analysis identified one existing wind hazard exceedance at the intersection of Tenth and Market streets. No other exceedances were identified under existing conditions, existing plus project and cumulative development scenarios further south from the intersection on Tenth Street, toward the project site. In addition, the proposed project would not worsen wind conditions at the intersection of Tenth and Market streets, because the project site is downwind from the Tenth/Market intersection.

Comment 6.3

"... As per the EIR ... 'Buildings that are much taller than the surrounding buildings intercept and redirect winds that might otherwise flow overhead. Building walls divert winds downward towards the street, where ground-level wind speed and turbulence may be increased. These redirected winds can be relatively strong and incompatible with the intended uses of nearby ground-level areas.' The consistency of the façade all the way up to 130 feet on all four side of the building will definitely create this effect. (Eric Dash, Natoma Street Neighborhood Group, written comments)

Response 6.3

As noted in Response 6.1, the wind tunnel tests concluded that the proposed project would eliminate one existing pedestrian comfort criteria exceedance, but would add one new comfort exceedance in front of the building at the southwest corner of Tenth and Mission streets. However, this pedestrian comfort exceedance is not considered a significant impact. Pedestrian comfort criteria exceedances are not considered significant impacts. In addition, the proposed project would not have a project-specific significant wind hazard impact because it would not cause a wind hazard criterion exceedance at a new location and would not increase the wind speed or duration of an existing exceedance.

Analysis by multiple wind experts¹⁶ determined that the proposed project would not contribute to a significant adverse cumulative wind hazard impact. Cumulative development would add five new locations of pedestrian comfort criteria exceedances, which are not considered significant impacts, and eliminate one existing exceedance, which would not be considered significant impacts.

¹⁶ Donald Ballanti, Certified Consulting Meteorologist; Bill Waechter, C.E.T., Project Director, Rowan, Williams, Davies & Irwin Inc.; and Charles Bennett, Environmental Science Associates.

Comment 6.4

"In regards to the Hotel Intercontinental at 5th Street and Howard Street, can we review the wind study in its EIR and then compare that to actual results. There is now a noticeable difference in wind strength and patterns due to the erection of this building along the Howard Street corridor just south of 5th Street that is especially noticed by bicycle commuters along this bicycle transit route." (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 6.4

The wind conditions at the northeast corner of Howard and Fifth Street are more than five blocks from the project site and essentially downwind from the conditions at Tenth Street and Mission Street. There would be no measureable effect in wind conditions by one to the other. In addition, any change in wind conditions at the Fifth and Howard location would have no connection to the proposed project since it is too far from the project site to have any effect on the vicinity of the project site, and vice versa.

Comment 6.5

"The neighborhood would like to know if any actual tests have been done, outside of a theoretical model world, along this corridor in order to be able to substantiate theoretical test results for wind speed. This is relevant since the proposed project at 1415 Mission would further exacerbate this problem due to its height which would prohibit winds from dissipating from further up 10th Street." (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 6.5

As discussed above, the proposed project would not exacerbate the wind environment on Tenth Street. The wind tunnel analysis is not solely based upon theoretical computations. The methodology for testing wind conditions entails specific empirical data based upon historic wind records from the U.S. Weather Bureau weather station located atop the old Federal Building at 50 United Nations Plaza. Data describing the speed, direction, and frequency of occurrence of winds were gathered at the old Federal Building at a height of 132 ft. during the six year period from 1945 to 1950. Measurements taken hourly and averaged over one-minute periods have been tabulated for each month (averaged over the six years) in three-hour periods using seven classes of wind speed and 16 compass directions. During this six-year period, there were no adjacent buildings to interfere with the wind conditions, thus, the data is an accurate representation of climate conditions in San Francisco unaffected by nearby development. As noted on page 111 in the Draft EIR, although the information is over 50 years old, it represents the best available data on wind conditions in downtown San Francisco and was the data source on which the San Francisco Wind Ordinance is based. Moreover, the U.S. Weather Bureau station was relocated

away from the Civic Center and there is no other source of wind information available. Climate conditions in San Francisco have not substantially changed in the last 60 years.

The wind analysis does not simply identify changes in wind patterns in terms of increases or decreases of wind speeds caused by a building. The changes in wind conditions are a mathematical construct based on wind acceptability criteria in San Francisco *Planning Code* Section 148, and is defined in terms of equivalent wind speed (EWS) which denotes the mean hourly wind speed. By measuring both the mean wind speeds and corresponding turbulence, high wind speeds and gustiness (changes in wind speeds over short periods of time) can be determined. The ratio of near-surface-speed to reference wind speed is calculated from measurements in a wind tunnel by a probe placed at various locations around a model of a proposed project. Each wind tunnel measurement results in a ratio that relates the speed of ground-level wind to the speed at the reference elevation (i.e. the height of the Old San Francisco Federal Building).

A computer program computes the equivalent wind speed that conforms to the two criteria in the Code: (1) the wind speed exceeded 10 percent of the time (the Comfort Criterion) or (2) the wind speed exceeded one hour or more per year (the Hazard Criterion). The program also computed the percentage of time that the wind would exceed the speed criterion selected, and further computed the percentage contribution of each wind direction to the equivalent wind speed and to the exceedance of the criterion.

In order to test the results of the simulated wind analysis for the project, the comparison would have to use the same parameters as the wind tunnel test, or the results would be skewed. This means that existing wind conditions would have to be measured at each of the 27 wind tunnel test points with an anemometer at approximately the same level above the sidewalk assumed in the test. These measurements would need to be taken hourly and averaged over a one-minute period for six years. This data would be compiled for the setting base. After the building is constructed, the measurements would need to be taken again at the 27 points for each hour at one-minute intervals for approximately three years. The data would have to be adjusted for the EWS, and then compared to the results from the wind tunnel test. Such an exercise would not be feasible.

Comment 6.6

"As an example, we have reviewed the Wind Study for 888 Howard Street from 2002. Bicycle commuters have been complaining about extremely high wind speed created by the existence of this structure while riding westbound on Howard Street, approaching 5th Street. From many of the descriptions, it is possible that the wind speeds exceed Hazard Criteria. The wind study specifically states 'The proposed project would result in wind speeds ranging from 7 to 20 miles per hour, a range higher than existing conditions. As shown in Figures B-1 and identified in Table B-1 in Appendix B, with the project, 12 of the 29 test locations would exceed the comfort criterion. In five cases, the locations where the comfort criterion is exceeded under existing condition would continue to exceed the criterion after project construction. Seven additional locations that currently meet the criterion would exceed the criterion. At four locations that currently exceed the comfort criterion, the criterion would be met with the proposed project. A net of three new pedestrian comfort criterion exceedances would be caused by the proposed project.

"The greatest changes in wind speeds on sidewalks would be increases from 11 to 17 miles per hour at the south sidewalk on Howard Street and from 11 to 20 miles per hour at the southwest corner of the project site at the intersection of Fifth and Howard Streets.

"In summary, the proposed project is located at an area with moderate existing wind conditions. The proposed project would not create new wind hazard exceedances."

"Since the project and Moscone west are both fully completed and there are not further scheduled or proposed projects near 888 Howard that would alter existing condition, we propose that the Planning Department exercise due diligence on the actual winds around and as a result of this project and compare them to the Wind Study done in 2002.

"This sort of testing for accuracy may serve as great importance for the City's methodology and subsequent determinations of wind effects for proposed projects, inclusive of 1415 Mission and for other projects slated to be developed along 10th Street down to Mission Street.

"Based on actual walking experiences on 10th Street we feel that until some sort of testing for accuracy has been done on Wind Studies, the neighbors in proximity to the proposed project at 1415 Mission do not feel that the 'the proposed project would not contribute to a significant adverse cumulative wind hazard impact.' (p.121). There is too much at risk given the existence of the wind Hazard location at the SW corner of 10th and Market Streets." (Eric Dash, Natoma Street Neighborhood Group, written comments)

Response 6.6

As noted above, a comparison of the 888 Howard Street wind tunnel analysis with post construction wind conditions would take at least three years to complete and would need to consider that wind tunnel tests are a ratio of equivalent wind speed occurring at least ten percent of the time for the pedestrian comfort criteria. It is not a matter of placing an anemometer at random points around the project to take wind speed measurements. Such information would not be comparable unless the measurements were to be taken at the exact location of the wind tunnel test points over a long period of time in order to account for the seasonal fluctuations of the wind, and then adjusted for the calculation of EWS. Moreover, the wind tunnel studies for the proposed project used accepted protocols and methodology which would have to be followed in any comparison exercise.

Since the high-rise building at 888 Howard Street is approximately 4,000 feet from the project site, it is too far to have effects on the wind conditions at the project site. In addition, it is downwind from the project site. The EIR wind analysis conducted for the then-proposed 888 Howard Street was based on the *Planning Code* definition of the wind hazard criterion. The hazard criterion of the Code requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph as averaged for a single full hour of the year. The comfort criteria are based on wind speeds that are measured for one minute and averaged. In contrast, the hazard criterion is based on winds that are measured for one hour and averaged. The area along Fifth and Howard is windy and before the 888 Howard Street project was constructed there were times when pedestrians could have noticed gusts of wind were indeed high. (With 26 to 34 mph winds, umbrellas are used with difficulty, hair is blown straight out, there is difficulty in walking steadily, and wind noise is unpleasant. Winds over 34 mph increase difficulty with balance, and gusts can blow people over.) These windy conditions continue after the 888 Howard Street has been constructed. However, the wind tunnel study for the 888 Howard Street EIR did not find that the hazard criterion of an exceedance of 26 mph averaged for a single hour of the year would occur.

Comment 6.7

"Thirdly, in terms of wind study, we all know that Fox Plaza is a major problem on the corner of 10th and Market Street is a known wind hazard. That perpetuates on down 10th Street as far as Mission Street, and it is questionable whether the actual wind study in its model form really determines how bad the wind problem will be with the existence of 130-foot building at that corner, the southwest corner of 10th and Mission.

"One of the concerns that was brought up is when the Hotel InterContinental was basically studied back in 2002, it seemed like there were no problems with wind. But if you happen to bike up Howard Street at the corner of 5th, there is a significant amount of wind that that building generates. So there are a lot of questions about the document's accuracy of the wind study report.

"So you will see summarized in that packet, neighborhood concerns, and a lot of this will be followed up through a petition that we are circulating in the neighborhood and that will summarize hopefully everything said here. Thank you for your time." (*Eric Dash, Natoma Street Neighborhood Group, public hearing comments*)

Response 6.7

As noted above, the wind tunnel analysis for the proposed 1415 Mission Street project identified only one location, the southwest corner of Tenth and Market streets, where the wind hazard criterion is exceeded under existing conditions. The wind tunnel analysis did not identify

hazardous wind conditions further south on Tenth Street, nor did it identify any significant changes in wind conditions on Tenth Street, south of Mission Street and the project site.

The wind tunnel studies identify the potential changes to wind conditions related to the comfort and hazard criteria stipulated in the *Planning Code*. Wind tunnel analyses do not predict changes in wind conditions near a project for specific times of day or for days of the year. The analyses provide information as to what equivalent wind speeds may be averaged over a year. The wind conditions in San Francisco are complex, and it would be virtually impossible to calculate changes to wind conditions at specific times. Average winds speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter. In addition, the highest average wind speeds occur in mid-afternoon and the lowest in the early morning. Westerly-northwesterly winds are the most frequent and strongest winds during all seasons.

Comment 6.8

“p.46—what were considered to be the ‘existing conditions’ at 10th & Market in the first full paragraph. The buildings on the site were demolished about a year ago. Was the site vacant when the studies were performed?” (*Sue Hestor, written comments*)

Response 6.8

The wind tunnel tests were run in March of 2007. At that time, the southwest corner site at Tenth and Market streets was not vacant, and the wind analysis included the buildings that were there. As noted on pages 113 – 116 of the Draft EIR, a hazardous wind exceedance existed at that location as calculated by the proposed project’s wind tunnel test.

Comment 6.9

“In San Francisco the climate has 3 components—sunlight, winds and fog. Fog exacerbates wind conditions because it sometimes makes conditions cold and uncomfortable. Fog is ignored in this, as well as other, EIRs. Fog is a physical, environmental fact of life in San Francisco. Why is it ignored? I could not find even one use of the term ‘fog’ in the DEIR. Unique environmental conditions, that are not covered by the usual CEQA matrix, should be evaluated particularly when they are prevalent in the affected area. In San Francisco, the high winds that come down the Hayes Street hill and slam into the area around 10th & Market are often accompanied by fog. Fog changes the climate, particularly for pedestrians and bicyclists. Because the fog often obliterates areas of sunlight, people scurry to find places warm/pleasant enough to walk. Please go through the wind section and add an overlay discussing for conditions at various times of year. The weather history in SF tracks fog as well as temperature. I refer you to the weather page of the SF Chronicle which includes fog information, which they get from government sources. (*Sue Hestor, written comments*)

Response 6.9

Fog exists in San Francisco independent of specific development projects, and the prevalence of fog in the project area would not be affected by the proposed project.

Wind conditions partly determine pedestrian comfort on sidewalks and in other public areas. In downtown areas, high-rise buildings can redirect wind flows around buildings and divert winds downward to street level. Each can result in increased wind speed and turbulence at street level. The comfort of pedestrians varies under different conditions of sun exposure, temperature, clothing worn, and wind speed. The wind tunnel tests and *Planning Code* Section 148 only address wind.

As noted above, the wind analysis does not identify specific times or days of the year. U.S. Weather Bureau fog predictions are generalized and identified for specific days. They are highly variable throughout the year and for times of day. The wind data used in the wind tunnel studies are based on measurements averaged over a period of time and are used to calculate the percentage of the time that a specific ground-level wind speed is exceeded. Thus, there is no way to compare or correlate the wind predictions with fog reports.

Comment 6.10

"The pedestrian comfort criteria, and the seated criteria should include the effects of/whether there is fog. This project, like the other new residential projects in this area, bring people into this area who can be there 24/7. Impacts of climate are much more important when it is the place where one lives, not just where one goes to work 40 hours a week. We are bringing in thousands of people to an area where there are substantial wind problems, which are complicated by fog." (*Sue Hestor, written comments*)

Response 6.10

As noted above, the comfort criteria are only based on wind. Each wind tunnel measurement results in a ratio that relates the speed of ground-level wind to the speed at a referenced elevation. The frequency with which a particular wind velocity is exceeded at any test location is then calculated by using the measured wind tunnel ratio and a specified ground speed. It is not possible to calculate another factor such as fog unless there is comparable data information, which does not exist. Temperature, humidity, activity level and individual's clothing are other factors which affect pedestrian's comfort. Development of the proposed project would not affect the prevalence or frequency of fog in the project area.

Comment 6.11

“p. 111—reference in Background paragraph is made to how this project will measure up to wind standards applied in C-3 districts. This site is two lots away from Minna Street and the south of Market plan area. What are the wind standards in that area? I take it from the lack of reference to the M/O Plan, that there are no wind standards for that Plan.” (*Sue Hestor, written comments*)

Response 6.11

Discussion on pages 111 and 112 of the Draft EIR states that *Planning Code* Section 148 specifically outlines the wind hazard criterion and the pedestrian comfort criteria in order to evaluate the wind effects of proposed buildings for the Downtown Commercial (C-3) District. The project site is located within a Heavy Commercial (C-M) District. The project sponsor proposes to rezone the site to Downtown General Commercial (C-3-G) in order to build more than the maximum residential density allowed in a C-M District. Hence the *Planning Code's* wind provisions would apply to the proposed project. Even when a project site lies outside of the specific areas to which the *Planning Code's* wind provisions apply, the San Francisco Planning Department, as lead agency for the implementation of CEQA, generally requires a wind study for proposed buildings of 80 feet in height or taller, and uses the *Planning Code's* wind hazard criterion and pedestrian comfort criteria for evaluating wind effects of a proposed project located anywhere in the city.

The project site is not within the Market-Octavia Plan area, or the proposed Western SoMa Plan, which is currently undergoing environmental review. Yet *Planning Code* Section 148 would be applicable to those Plan areas.

Comment 6.12

“P. 111 [Footnote] 41—claims that 50-year old data on wind conditions is sufficient, because the US Weather Bureau has relocated its station away from the City Center. That's awfully weak justification. Has the Department explored with the federal government—perhaps using Speaker Pelosi's office—the reinstallation of a weather bureau monitoring station in the Civic Center Area. The new federal building is supposed to be cutting edge re environmental issues. Perhaps the government could use that facility for a new weather monitoring station. The various federal buildings in the Civic Center are in the hub of dangerous winds (including the Burton building on Golden Gate. Has anyone from MEA/the City talked to the feds about reinstalling a station to measure wind conditions? The built conditions in this area have changed rather dramatically over 50 years. During that period the AAA building and the Fox Plaza—which exacerbate these dangerous winds—were built. Over the same period other buildings have been and are being added. It would be helpful if we had consistent wind measurements.

“To follow up on comment above re reinstating a weather monitoring station at one of the federal buildings, if the feds are unwilling to do so, what would be the cost of installing such a station in the Civic Center area? The City should consider imposing a fee towards construction of such a facility on buildings which affect wind conditions.” (*Sue Hestor, written comments*)

Response 6.12

As noted in Response 6.5, the data used in the wind tunnel studies were taken from the roof of the old Federal Building. During the six-year period of data collection from 1945 to 1950, there was no adjacent building to interfere with measurements and evaluations of the wind conditions. Thus, the data is an accurate representation of climate conditions in downtown San Francisco unaffected by nearby development, and represents the baseline conditions. Although the information is over 50 years old, it presents the best available data on wind conditions in downtown San Francisco and was the data source on which the San Francisco Wind Ordinance is based. Overall, climate conditions in San Francisco have not significantly changed in the last 60 years.¹⁷

Obtaining new weather data from some location in the new Federal Building, on Seventh and Market streets, would not provide a reliable database for further wind studies due to the need for long-term information and the fact that there are other buildings in the area that could influence wind flows. Any data collected may not be a reliable base for comparison to conditions at locations elsewhere in the city as they would be affected by the new Federal Building itself and other large upwind buildings that would distort winds.

Comment 6.13

"Existing wind hazard conditions—please explain the current conditions for bicyclists in this area, including Mission. The erection of new highrises on the north side of Mission, including the SOMA Grand, have created dangerous winds that ebb around buildings. The Venturi effect? Please consult bicycle advocate organizations and routinely ask them about wind impacts for projects in this area and others with difficult wind conditions. You do want to know, don't you?" (*Sue Hestor, written comments*)

"When SoMa Grand opened, I got reports from 17 people who biked the route regularly down Mission Street. That wind—I mean—there's a Venturi effect. I think that is the term. There are wind impacts created by all of these buildings going up along Mission Street that are really scary to bicyclists. I have had people who are really experienced bicyclists talking about being afraid they were going to be thrown off their bicycle going down Mission Street because of the new heights on Mission Street." (*Sue Hestor, public hearing comments*)

Response 6.13

As identified in Table 2, Comfort Criterion Results, on page 11 of the Ballanti report in Appendix C of the Draft EIR, the area around the proposed project site contains a wide range of ambient wind speeds (shown in this table as measured equivalent wind speeds that are exceeded ten percent of the time). The existing built environment tends to channel ambient winds along the

¹⁷ Donald Ballanti, Certified Consulting Meteorologist, telephone conversation, July 6, 2009.

streets and create turbulent winds at the corners of the blocks, even those blocks with only low buildings. With the project, the area would remain windy, but, with the exception of one location where winds would exceed the comfort criteria (near the northeast corner of the proposed project building), the winds attributable to the project would not exceed the adopted standards for pedestrian wind impacts. Therefore the project's wind effects would be considered less-than-significant.

The overall wind environment in the project area would remain essentially unchanged at all locations, except at two locations on Mission Street, where the wind speed would increase at the northeast corner of the project and decrease at the northwest corner of the project. This change would simply move or swap the wind conditions (and the pedestrian criterion exceedance) found at the sidewalk at one corner of the project to the other corner. These two complementary wind conditions are similar enough that pedestrians would not be able to distinguish their wind speed or frequency of occurrence, were it not for the obvious location difference.

The wind conditions that bicyclists now experience in the middle of Mission Street are typified by the wind conditions measured at the sidewalk locations on both sides of the street. Since overall wind speeds would not change substantially at measured points on either side of Mission and Tenth streets, it is expected that the wind speeds that now occur in the middle of Mission Street would not change, except for the obvious location difference adjacent to the project site, as noted above.

Since winds would not change at almost all locations and overall wind conditions for bicyclists on Mission Street would be no different than the existing overall wind conditions, these impacts would be considered less-than-significant.

The "Venturi Effect" is a physics term that describes the reduction in fluid pressure that results through the constricted section of a pipe. As noted, tall and massive buildings and structures can strongly affect the wind environment for pedestrians. In cities, groups of structures tend to slow the winds near ground level, due to the friction and drag of the structures themselves. Buildings that are much taller than their surrounding buildings intercept and redirect winds that might otherwise flow overhead, and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong and also relatively turbulent, and can be incompatible with the intended uses of nearby ground-level spaces.

Comment 6.14

“Maps of wind measurements (pp. 114-115) and shadows (pp. 124-127)—please compare the areas with problem winds to areas where shadow is being added. These two factors will exacerbate conditions for pedestrians. Also, please describe where services are available for residents in this area, relative to wind and shadow conditions. Again this is an ‘unpleasant climate’ factor for thousands of new and existing residents in the area. It would also be helpful to overlay MUNI stops/waiting areas to help understand the conditions people will face. The City is trying to develop a neighborhood in this area. Will it be a pleasant neighborhood?” (*Sue Hestor, written comments*)

Response 6.14

The Draft EIR evaluation of project shadow effects concluded that no significant shadow impacts would result from the proposed project. Bus stops are not evaluated for shadow effects by proposed projects (see *Planning Code* Section 294). The shadow studies identify three specific times (10:00 a.m., noon and 3:00 p.m.), four days a year (the 21st day of March, June, September, and December). The shadows cast by the proposed project at those times are shown in Figures 21 – 24, on pages 124 – 127 in the Draft EIR. The wind studies do not specifically identify times or dates since the data are averaged over a full year.

As noted above on the wind environment, the wind tunnel tests for the proposed project indicated that the project would not have a significant effect.

Any attempt to compare areas of new shadow and wind data would necessarily be qualitative, as the shadow data is for a specific time of the day and year while the wind data represents the wind exceeded 10 percent of the time (in the case of the comfort criteria) or 1 hour per year (in the case of the hazard criterion) based on all wind daylight hours for all days of the year. The difference between the two types of analyses makes attempts to superimpose shadow patterns and wind patterns meaningless. Pedestrian comfort also is dependent on temperature, humidity, activity level and clothing worn.

Any comparison of shadows cast and locations and speeds of the wind would be like comparing apples to oranges; and thus this kind of analysis would be invalid. Pedestrian comfort also depends on temperature and clothing worn.

Figure 18, on page 81 in the Draft EIR, shows that the Muni bus stops on Mission Street are located on the northwest, southwest, and southeast corners of Eleventh and Mission streets, and the northwest and southeast corners of Ninth and Mission streets. Wind tunnel results show that

the project would have a negligible effect in the equivalent mean wind speeds exceeding the comfort criteria ten percent of the time at these points.

Comment 6.15

"p. 119, [Footnote] 45—reference is to 'reports'—is this only to reports that have been specifically described in other footnotes/text in this section? I was shown a document set that, I believe I was told, had been recently delivered to MEA with a cover letter from D Ballanti. Is that the reports mentioned? Were they available in Department files when this EIR was released? Most of those memos deal with the 10th & Market project."

"p. 120—ref to Ballanti-Waechter memo. Is that the one mentioned in fn 38?" (*Sue Hestor, written comments*)

Response 6.15

There are several wind reports and memos related to wind conditions in the project area. On page 110 in the Draft EIR, two are cited: the Wind Tunnel Analysis for the Proposed 1415 Mission Street Project, San Francisco, March 2007, revised September 8, 2008; and a memo related to the Wind Tunnel Results prepared by Donald Ballanti, Certified Consulting Meteorologist, and Bill Waechter, C.E.T., Project Director, Rowan, Williams, Davies & Irwin Inc., February 18, 2009. This memorandum is included in this EIR in Appendix C. All these documents were available for public review at the time the Draft EIR was published.

Comment 6.16

"[p. 120], last para—please describe the setting (stores, community facilities, housing, bus stops, etc) at each exceedance location. Numbers are sooo boring. Tell us what goes on at those locations." (*Sue Hestor, written comments*)

Response 6.16

The land use setting around the project block is described on pages 56 – 58 in the Draft EIR. Adjacent to the project site to the west is 1449-1453 Mission Street. The western portion of this parcel is occupied by a five-story office building and the eastern portion (adjacent to the project site) is occupied by a fenced, paved surface parking area. Adjacent to the project site, to the south, is a three-story residential hotel building with a social service use on the ground floor and residential uses above (122 Tenth Street).

As noted above, under existing-plus-project conditions, the proposed project would eliminate one existing pedestrian comfort criteria exceedance at the northwest corner of the proposed

building on Mission Street, and add one new comfort exceedance at the northeast corner of the proposed building at Tenth Street/Mission Street. No bus stop is at either location.

The addition of the pedestrian comfort exceedance is not considered a significant impact. Neither in a cumulative scenario would pedestrian comfort criteria exceedance be considered a significant wind impact if it does not rise to the wind hazard criterion exceedance level. Cumulative development would add four new locations of pedestrian comfort criteria exceedances: on the west side of Tenth Street, across from Jessie Street; on the west side of Tenth Street, across from Stevenson Street; at the northeast corner of the proposed building, at the Tenth Street/Mission Street corner; and at the northwest corner of Ninth and Mission streets, where there is a bus stop and a vacant lot; and eliminate one existing exceedance, at the northeast corner of Tenth and Mission streets. The pedestrian comfort criteria exceedances are not considered significant impacts.

As discussed above, in extremely windy areas, wind tunnel tests may be unreliable as indicators of project impacts, and variations may be attributable to measurement and calculation uncertainties. The proposed project would not contribute to a significant adverse cumulative wind hazard impact because it would not cause a wind hazard criterion exceedance at a new location and would not increase the wind speed or duration of an existing exceedance. In addition, at the southwest corner of Tenth/Market streets, there is an existing wind hazard exceedance. That location is not close enough to the project site to affect wind conditions, and the proposed project would not have an effect at the Tenth/Market location, because the project site is downwind from that location.

Comment 6.17

“Monitor wind conditions after construction.

“A radical idea—require an after construction re-evaluation of actual conditions. The Board of Appeals assumed that such was already the case when they heard the 10th & Market project. They were surprised that there was no ‘testing’ of assumptions via an after construction analysis. What are the policy reasons for not testing assumptions after the fact.” (*Sue Hestor, written comments*)

“The Planning Department as near as I know does not do any after analysis. This came up in the 10th and Market hearing when it was at the Board of Appeals, and Board of Appeals members who were experienced in planning issues were shocked to be told, ‘No, we do not measure after effect. We don’t test our assumptions.’ We are past the point where the Planning Department can say—MEA can say, ‘Well, we do them before. We don’t do them afterwards.’ There should be a test required after every building opens so that you can check your assumptions because the wind impacts are still pretty serious.” (*Sue Hestor, public hearing comments*)

Response 6.17

As noted above in Responses 6.6 and 6.7, on pages C&R.65 – C&R.67, a field measurement of the predicted wind effects of a proposed project would entail exhaustive studies. In order to test the results of the simulated wind analysis for the project, the comparison would have to use the same parameters as the wind tunnel, or the results would be skewed. This means that existing wind conditions would have to be measured at each of the 27 wind tunnel test points with an anemometer at approximately the same level above the sidewalk as assumed in the wind tunnel test. These measurements would need to be taken hourly and averaged over a one-minute period for six years. Then this data would have to be compiled for the baseline. After the building is constructed, the measurements would need to be taken again at the 27 points for each hour at one-minute directions for approximately three years. The data would have to be adjusted for the equivalent wind speeds (EWS) and then compared to the results from the wind tunnel. Such an exercise would not be practical.

Comment 6.18

“Strongly support Mr. Dash’s summary of issues. Wind, for sure, even as in the DEIR on page 46 states about cumulative impacts of wind, I think there’s [a] primary reason to take a careful look at this project. The problems existing with no additional buildings in the area already (inaudible) supporting Ms. Hestor’s comments, and I do think there needs to be a stronger emphasis on examining what that all means.” (*Commissioner Kathrin Moore, public hearing comments*)

Response 6.18

The comment is noted. A detailed wind study was prepared for the project that was based on standard wind measurement methodology as identified in the *Planning Code*. The Draft EIR notes on page 46 that the wind tunnel test indicated that the proposed project would not cause any new hazard wind exceedances when added to existing conditions. With cumulative development, the wind tunnel test predicted a total duration of wind hazard exceedance of 109 hours per year at Tenth and Market streets, compared to 94 hours per year under existing conditions. Assessment of margins of error of wind tunnel results in substantially windy areas, the results of other wind studies in the area, the distance of the project site from the location of the exceedance, and the fact that the project site is downwind of the exceedance, have led the Planning Department to conclude that the proposed project would not have a significant effect on hazard wind hours and EWS at Tenth and Market. Also, see Responses 6.1, 6.2, 6.4, and 6.10, above.

Comment 6.19

"[Page 41 of the Draft EIR] says, 'The project would require downtown permit review for compliance with the downtown provisions of the *Planning Code*, including'—oh, this is the one on the exceedance. Some people mentioned wind, but that is actually one of the variances that they would be requesting on the project."(*Commissioner Christina Olague, public hearing comments*)

Response 6.19

The comment is noted regarding the project sponsor seeking an exception under Section 309 of the *Planning Code* for exceedance of the pedestrian hazard criterion. Since publication of the Draft EIR, Planning Department and Zoning Administration staff have determined that a Variance is not required for exceedance of the pedestrian hazard criterion, because the proposed project would not cause a wind hazard criterion exceedance at a new location and would not increase the wind speed or duration of an existing exceedance.

Comment 6.20

"We request that monitors be installed for wind speeds to exceeding 25 mph to shut down construction."(*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 6.20

The effect of project construction on air quality is addressed on pages 108 and 109 in the Draft EIR. The project site is approximately 0.26 acre. The proposed project would require excavation to a depth of approximately 35 feet for the three-level parking garage and foundation, and removal of approximately 14,800 cubic yards of soil. The Construction Dust Control Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. However, the Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

The project sponsor and the contractor responsible for construction activities at the project site must use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San

Francisco Public Works Code. Reclaimed water should be used whenever possible. Contractors must provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

7. OTHER CEQA ISSUES

Growth Inducement

Comment 7.1

“p. 139 Growth Inducement—this is a precedential building. It is pushing highrise housing south of Mission Street west of Yerba Buena. This will break new ground and push highrises right up against low-scale residences. Please discuss.” (*Sue Hestor, written comments*)

Response 7.1

The Draft EIR notes that the proposed project would be the tallest structure on the project block, and among one of the tallest structures in the neighborhood, and therefore it would be visually prominent. The scale and massing of the proposed project would exceed that of most nearby buildings, and would be similar to the taller existing and approved buildings on the north side of Mission Street. The project would be visually consistent with the heights of buildings to the north, and somewhat consistent with buildings to the west, but the project would be taller than existing buildings to the east and south.

As discussed in the Draft EIR, the proposed project building would be part of a height transition between the taller buildings along and north of Market Street and the generally lower-rise buildings located south of Mission Street. The proposed building would fit well into this transition area, with an approved residential building of similar height (123 feet) directly across the street (at the northwest corner of Tenth and Mission streets), a 20-story building (1455 Market Street) one-half block northwest of the project site, an 11-story building (875 Stevenson Street) one-half block to the north, a 30-story building (Fox Plaza) one block north of the project site, and other existing and approved taller buildings in the project vicinity, north of Mission Street.

The proposed building would not be the only high-rise building south of Mission Street and west of the Yerba Buena Center. The St. Joseph's Church is located one block south of the project, at the southwest corner of Tenth and Howard streets. A 20-story residential tower (the SOMA Grand at 1160 Mission Street) is located two-and-a-half blocks northeast of the project site.

Also, see Responses 4.1 – 4.9, on pages C&R.35 – C&R.41, related to views and aesthetics.

In addition, as noted on page 139 of the Draft EIR, a project would be growth inducing if (1) its construction and use would encourage a substantial population increase; (2) it would indirectly stimulate new development that would not occur without the proposed project; and (3) it would involve new infrastructure, such as water or sewer utilities, with capacity to serve other projects. The proposed project would not induce growth that would exceed ABAG's local and regional forecasts of employment and population growth.

The proposed project would occur in an already intensively urbanized area in San Francisco. It would not result in new extensions of utilities or roads into undeveloped areas, and would not directly lead to substantial development outside of the city. For these reasons, the proposed project would not cause significant growth-inducing impacts.

Comment 7.2

"My name is Eric Dash. I represent the Natoma Street Neighborhood Group. Unfortunately, most of the people, the interested parties in our neighborhood, both businesses and residents, were not able to make it today due to work obligations, but we have various meetings about this issue, and I have made it a point to be here to clarify a lot of issues that we have.

"Some of the primary things we have concerns about are basically in the Draft EIR, the significant impact determination as to whether certain issues have significant impact.

"Everything that has been stated in the Draft EIR states there's no significant impacts, but some of the issues we have problems with is actually related to the building height; and secondly, the parking; and thirdly, to wind studies." (*Eric Dash, Natoma Street Neighborhood Group, public hearing comments*)

Response 7.2

Regarding the proposed building height, please see Responses 2.6 (page C&R.12), and 3.2 (page C&R.27). Regarding parking supply, please see Responses 5.7 – 5.11, pages C&R.55 – C&R.58. Regarding wind, please see Responses 6.1 (page C&R.62), 6.2 (page C&R.63), 6.4 (page C&R.64), 6.8 (page C&R.68) and 6.19 (page C&R.77).

8. ALTERNATIVES TO THE PROPOSED PROJECT

Comment 8.1

“Alternatives—p. 153. Comments by Natoma neighbors should be construed as requesting that a 65’ high alternative be added to the EIR. An alternative at that height, that complies with existing allowed RH-4 density, would result in a reasonable building of 57 units. Such an alternative, or even one at 85’ with the same number of units, would be much more compatible with the scale of the existing residences south of Mission.” (*Sue Hestor, written comments*)

Response 8.1

Consistent with the requirements of CEQA, a reasonable range of alternatives for the proposed project was identified and evaluated in the Draft EIR. CEQA requires that alternatives considered in an EIR be ones that would avoid or substantially reduce one or more significant impacts identified for the proposed project. The Draft EIR evaluates an Existing Zoning Alternative (Alternative B) that would entail construction of a 130-foot-high residential tower with 57 dwelling units, rather than the proposed project’s 117 units. Although no significant impact related to the proposed building’s height was identified, the Draft EIR evaluates an alternative at a reduced building height, as is requested in the comment. The Reduced Scale Alternative (Alternative C) analyzes a 78-unit building with approximately eight stories and 75 feet in height. Thus in effect, the Draft EIR does evaluate a building of reduced height, falling in the middle of the 65- to 85-foot range suggested in the comment.

Alternative C: Reduced Scale

Comment 8.2

“Alternative C, p. 159 says that the developer’s goal to ‘anchor the corner site with a visually prominent building’ would not be met by the 85’ alternative. Given the problems that the visually prominent building proposes creates, it would be a blessing to the City and the neighborhoods for this to not be a visually prominent building.” (*Sue Hestor, written comments*)

Response 8.2

The comment is noted and will be considered by the decision makers prior to making a decision on whether or not to approve the proposed project or one of the project alternatives. The comment represents a position regarding the merits of the project, but does not pertain to the adequacy of the Draft EIR.

Environmentally Superior Alternative

Comment 8.3

“As per the Draft EIR, Alternative B (Existing Zoning Alternative) would be the environmentally superior alternative because it would have even less physical impacts than the proposed project. Nonetheless, the SF Planning Department is moving towards eliminating C-M zoning in favor of C-3-G zoning. The intent is to implement the updated parking requirements (fractional), but it brings higher density limits.” (*Eric Dash, written comments*)

Response 8.3

CEQA requires the Lead Agency to identify the environmentally superior alternative in an EIR. By definition, the environmentally superior alternative has reduced significant/substantial adverse environmental impacts in comparison with the proposed project. In Response 8.2, CEQA requires that each alternative considered in an EIR should be one that would avoid or substantially reduce one or more significant impacts identified for the proposed project. However, CEQA does not require that decision-makers approve the environmentally superior alternative for implementation.

The Draft EIR notes that approval of the requested Zoning Map Amendment would allow for development of the site at a higher density than currently permitted under the C-M zoning of the site. The Draft EIR evaluates the potential environmental effects that could occur with the proposed increased density, such as increased traffic and related air emissions. The impacts identified in the EIR will be considered in their entirety by decision makers as part of their deliberation on whether or not to approve the proposed project or one of the project alternatives.

9. NON-CEQA ISSUES

Project Approvals

Comment 9.1

“We, the residents and business owners, of the area in proximity to 1415 Mission Street, oppose the proposed project at 1415 Mission Street in its current form. Any development should contribute to the transition between buildings of greater height and density along Market Street and as far as the north side of Mission Street to the lower height, density and scale along the south side of Mission Street, immediately bordering the reduced heights as specified by the Market/Octavia Plan on the south side of Mission to the east and the existing low-scale neighborhood adjacent to the property to the south in Western SOMA with an RED (Residential Enclave District) designation. This is in accordance with Urban Design Element of the SF General Plan. We are not opposed to development of this site; rather, we strongly suggest that the following actions be taken:”

- "1. The proposed building, whether commercial or residential, should not exceed 65 feet in height. In addition, the building should incorporate setbacks to make the building narrower as it reaches maximum height.
- "2. No variance should be granted for parking in order to not exacerbate existing parking limitations, especially during the day.
- "3. No conditional use should be granted that would allow in excess of one dwelling unit per 125 sq. ft. lot area in order to avoid excessive bulk.
- "4. No variance should be granted for the dwelling unit exposure." (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 9.1

Regarding the comments on the proposed building height and scale relative to other buildings in the project vicinity, please see Responses 2.6 and 3.2, on pages C&R.12 and C&R.27, respectively. The proposed building would comply with the height and building mass limits of the height and bulk district in which the project site is located. Regarding conformance with *General Plan* policy, the project's consistency with the *General Plan* and applicable zoning regulations will be addressed in detail by the Planning Department and the Planning Commission as part of the project review process, separately from the environmental review of the project.

No parking variance has been requested by the project sponsor. The comments regarding the requested variances and Conditional Use Authorization are noted. Submittal of these types of comments would be taken under consideration by the decision-makers prior to making a decision on whether or not to approve the proposed project or one of the project alternatives. The issues raised in the comment above do not directly pertain to physical environmental effects under CEQA. (As noted on pages 8 and 9 of the Draft EIR, parking deficits are considered socio-economic effects, and not subject to the required environmental evaluation under CEQA.)

Comment 9.2

"No conditional use should be granted that would allow in excess of one dwelling unit per 125 sq. ft. lot area in order to avoid excessive bulk." (*Eric Dash, Natoma Street Neighborhood Group, written comments*)

Response 9.2

The commenter's opposition to approval of the Conditional Use Authorization is noted. Please see above response for additional discussion.

Comment 9.3

"No variance should be granted for the dwelling unit exposure.

"The exceptions/variances the project would need are the following (p. 2-3, Draft EIR Summary):

- "• Zoning Map Amendment under *Planning Code* Section 302, *Planning Code* Amendments, to reclassify the project site from a C-M (Heavy Commercial) to a C-3-G (Downtown General Commercial) Use District
- "• Exception for Accessory Parking above the principal permitted amount. (Need a parking variance since there will 158 space needs versus only 117 spaces created
- "• Exception for Rear Yard Requirements
- "• Exception for Curb-Out location on 10th Street
- "• Conditional Use authorization under Code Sections 303(c) and 215 for dwelling-unit density in excess of one unit per 125 sq.ft. of lot area pursuant to *Planning Code* Section 215(b), to exempt the floor area of on-site below market-rate units from the FAR limit pursuant to *Planning Code* Section 124(f) (Planning Commission)
- "• A variance from the dwelling unit exposure requirement for an open area at the southeastern corner at the site that several windows open onto that does not conform to *Planning Code* Section 140 (Zoning Administrator). (Sec 140 open area does not increase at 5 feet in every horizontal dimension, thus it requires a variance. In addition, this is the side that faces the RED and faces a 40 and 50 foot height district and would abut right against 122 10th Street and completely block the existing windows of that building, completely blocking access to light and air for 122 10th Street).
- "• Transfer of Development Rights under Section 128 of the *Planning Code*, Transfer of Development Rights in C-3 Districts, for building above the permitted FAR in C-3-G Use districts (Planning Commission)" (Eric Dash, Natoma Street Neighborhood Group, written comments)

Response 9.3

As noted in the comment, pages 2 and 3 of the Draft EIR provide a summary of the planning approvals that would be required for the proposed project. Additional summary information is provided on Draft EIR pages 8 and 9, and more detailed information on required approvals is provided on pages 40 – 47. The variances noted in the comment are acknowledged and also identified in the Draft EIR. As noted in Response 9.1, the requested variances, zoning map amendment, and Conditional Use Authorization will be addressed in detail by the Planning Department and the Planning Commission as part of the project deliberation process, separately from the proposed project's environmental review.

Comment 9.4

"It is important to me that you understand that no one in the local neighborhood wants this awful proposed mess you all seem to be OKing at 1415 Mission Street. Ideally, I and many would prefer the development be a green park to go with the recent 'Manhattanizing' of the neighborhood by the local planning department.

"I am enclosing my prior letter and email sent regarding same so that my opposition indeed gets 'registered.' Have attended local planning department meetings in past to find out that, for example, when input from actual neighborhood for a October meeting was requested, input receiving was closed off in August prior (sad but true).

"Thus, my non participation at your meetings is not because I do not care; it is because your/my planning department does not care and I cannot afford to take time off of work to deal with your ignoring me.

"Please register my as well as my neighbor residents and area users' strong opposition to the proposed 1415 Mission Street development." (*Richard Lynch, written comments*)

Response 9.4

The commenter's and other neighborhood residents' opposition to approval of the proposed project is noted. The photo submitted by the commenter is of a previous plan showing a larger building and two stories higher than the proposed project. The proposed project analyzed in the Draft EIR is on pages 30 – 40, Figures 2 – 8. The submittal of opposition letters to the Planning Commission will be considered by the decision-makers during the project deliberation process of the merits of the proposed project.

Miscellaneous/General

Comment 9.5

"p. 63—top of page. MEA—Please excise all references to distances by 'blocks.' This is a ridiculous way to measure distances. SOM 'blocks' are much longer than NOM 'blocks.' What are the distances in feet to each of the parks mentioned. The term block for distance should have been eliminated years ago. It is meaningless." (*Sue Hestor, written comments*)

Response 9.5

The use of city blocks as distance references is a widely accepted form of reference in environmental documents for projects in San Francisco. The Draft EIR provides local maps (e.g., Figures 10 – 12) that provide a visual context for the discussions, such as the one referenced on page 63, and clearly illustrate the local configurations in the block grid system. The City does require specific limits on distances between project sites and public transportation stops.

The approximate requested distances from the project site (as the crow flies) are as follows: Joseph L. Alioto Performing Arts Piazza (Civic Center Plaza): 1,400 feet; Howard and Langton Mini-Park: 1,850 feet; Victoria Manalo Draves Park: 2,700 feet; and Hayes Green (also known as Patricia's Green): 2,350 feet.

Comment 9.6

"Please keep me informed of everything regarding this project as it will affect not only Mission, 10th, and Minna Streets but my very own front yard, backyard, and roof top as well." (*Richard Lynch, written comments*)

Response 9.6

The commenter has been added to the Planning Department's distribution list for public notices regarding the proposed project, and will receive future notices, as requested.

Comment 9.7

"I understand your interest is strictly in building your coffe\$ for your retirement partie\$. You need to understand that my interest is in livability in my neighborhood for me and my neighbors now and in future, which is why I write you again today: proposed 1415 Mission Street project, which no one local to it wants to go forward as proposed, huge building proposed for southwest corner of Mission and 10th Streets at 1415 Mission Street, must be halted and limited to three (3) stories max (or put in a much-needed green public park instead!).

"Yes, three (3) stories max (although I much more prefer a green public park there), and do not lose the wide sidewalks already now decreased by cars and parking as it is today!

"Put that in your EIR-pipes you all smoke, becoz what you and yours are now doing to my neighborhood is ruining it by putting in Manhattan.

"This is San Francisco, a village in comparison, and I left Manhattan (worked nyc in early '80s) in 1986 and your being bullied by the wealth of others amazes me, so stop it now, and do so on my, my friends, my family, and the local population's behalf! Stop the Manhattanization of my neighborhood now!

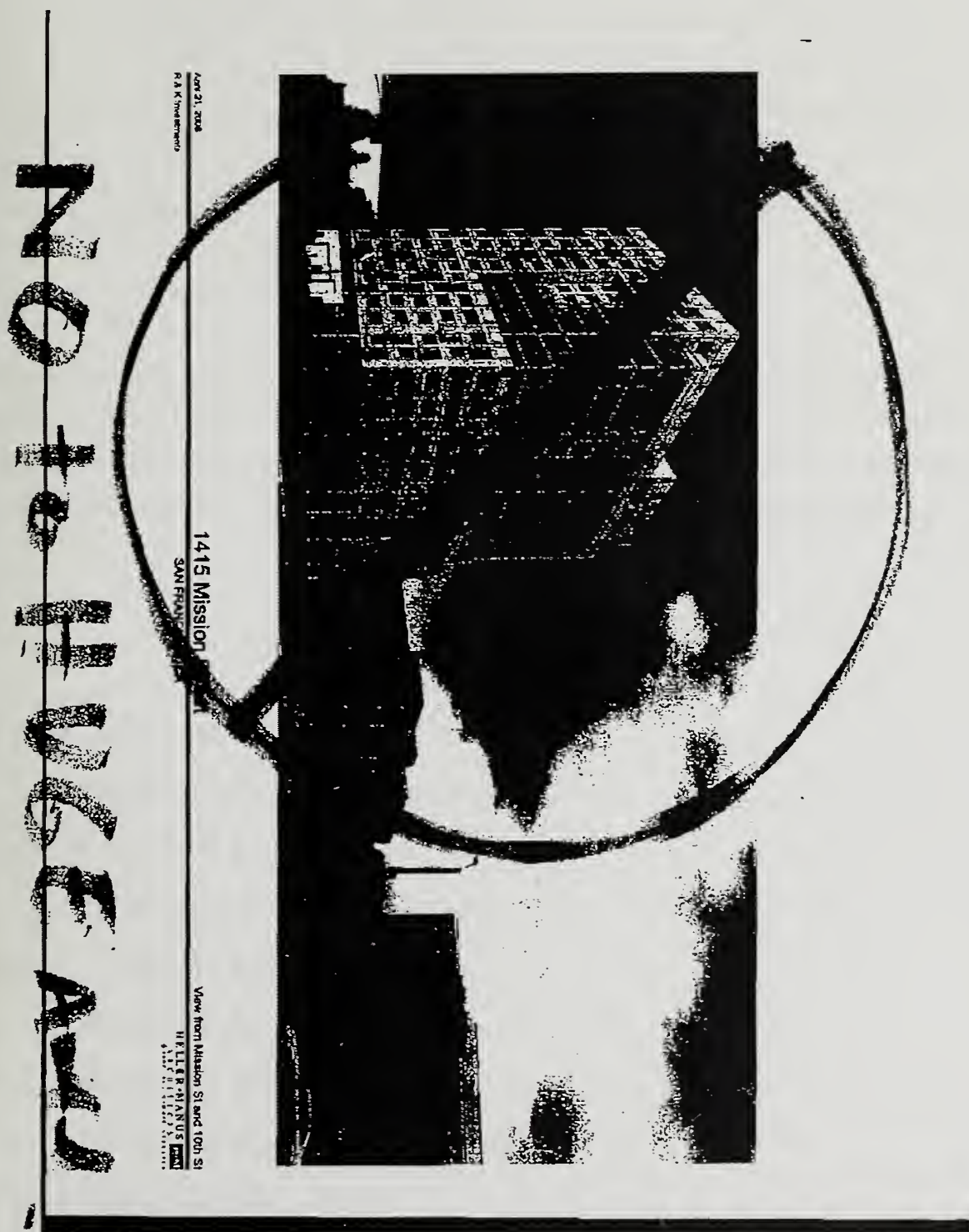
"Do not let the bully bulldozer-happy developer/contractors continue to con you and yours with their unseen kickback\$ into continuing to ruin my neighborhood.

"No to the ugly and too-huge proposed project being extremely 'tall'-ly proposed for 1415 Mission Street. and no means no, and now. No to 16 stories of unnecessary 'planned' shadow and bleakness in a more and more truly dirty-ass, crime-filled, fully-neglected pocket of this city so very close to City Hall itself.

"Thank you for your consideration, and more importantly for your immediate actions taken now on my behalf toward no to proposed 16 stories at 1415 Mission Street, and no means no now." (*Richard Lynch, written comments*)

Response 9.7

The commenter's opposition to approval of the proposed project is noted. The commenter submitted the photosimulation on the following page; this photosimulation is of a previous 16-story proposal and is not representative of the project analyzed in the Draft EIR. The proposed project is for a 14-story building. The comments do not pertain to the adequacy of the Draft EIR. Submittal of letters for neighborhood residents and interested parties will be considered by the decision-makers as part of their deliberation on whether or not to approve the proposed project or one of the project alternatives.



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D. DRAFT EIR REVISIONS

Below are revisions to the Draft EIR. Revisions have been made in response to public comments as detailed in Section C above, as well as by Planning Department staff. Changes made in response to comments are listed in Section 1 below. Staff-initiated changes are listed in Section 2 below. Deletions to the Draft EIR text are shown with ~~strike through~~ and additions are shown with double underline.

1. CHANGES IN RESPONSE TO COMMENTS

Page 110 of the Draft EIR, second paragraph, third line:

...1160 Mission Street building (SOMA Grand)

Page 113 of the Draft EIR, first paragraph, third line:

...1160 Mission Street building (SOMA Grand)

Page 113, first paragraph, sixth line:

...1177 Market Street project (Trinity project)

Page 113, first paragraph, 14th line:

...1355 Market Street project (S.F. Merchandise Mart)

Page 116, fourth full paragraph, second line:

...1160 Mission Street building (SOMA Grand)

2. STAFF-INITIATED CHANGES

Staff-initiated changes reflect two corrections made to the Draft EIR and two minor design changes to the proposed project:

- As noted in the Draft EIR on pages 120 and 121, the proposed project would not have a project-specific wind hazard impact nor would there be a cumulative wind hazard impact. Therefore, there would no need for a Variance for exceedance of the wind hazard criterion established by the *Planning Code* Section 148.
- The proposed project would not include any commercial parking, and all references to commercial parking are deleted.
- The gross square footage of the building has increased from 168,194 to 169,441. The Floor Area Ratio (FAR) of the building analyzed in the DEIR was 8.57:1, while the FAR of the current design would be 8.72. An FAR of 9.0:1 would be permitted with Transferable Development Rights in a C-3-G District. This increase in gross square footage would therefore not affect the conclusion that the proposed project would be permitted in a C-3-G District with the Zoning Map amendment sought for the project analyzed in the Draft EIR.
- The total number of units with private open space has decreased from 76 to 64 (or from approximately 4,200 sq.ft. to approximately 3,480 sq.ft.), and the common usable open space on the roof has increased from 2,453 square feet to 3,030 square feet. *Planning Code* Section 135 requires 36 sq.ft. of usable open space per unit if private (i.e., balconies or terraces), and 48 sq.ft. of usable open space per unit if shared in common (i.e., rooftop open terrace). Therefore, for 64 of the 117 units, a minimum of 2,304 sq.ft. private usable open space would be required; the current design would have approximately 3,480 sq.ft. For the remaining 53 units without private open space, Section 135 would require 2,544 sq.ft.; the current design would have 3,030 sq.ft. This design change would therefore satisfy the usable open space requirements of the *Planning Code*.

These corrections and design updates would not change the conclusions of the Draft EIR.

Page 1, last partial paragraph, fourth line:

... 46 independently accessible or 101 valet residential parking spaces, ~~and 15 commercial parking spaces~~

Page 1, last partial paragraph, last line:

...(see Figures 2 through 8, pages 33 to 39). The new building would be approximately ~~168,194~~
169,441 sq.ft., of...

Page 2, first partial paragraph, first line:

...which ~~122,073~~ 123,320 sq.ft. would be residential, 2,742 sq.ft. would be commercial, 29,343 sq.ft.
would be...

Page 2, first partial paragraph, last sentence:

The gross floor area¹ of the project subject to the Floor Area Ratio (FAR) limit, discussed on page
45, would be ~~97,860~~ 99,599 sq.ft.

Page 2, third full paragraph, second through fourth lines:

...16 feet. Approximately ~~2,453~~ 3,030 sq.ft. of common usable open space would be provided at
the penthouse (roof) level for the use of residents. ~~Seventy-six~~ Sixty-four of the 117 dwelling units
would have access to private open space in the form of balconies or terraces, totaling
approximately ~~4,200~~ 3,480 sq.ft. There also would be a...

Page 3, first partial paragraph, tenth and eleventh line:

...Administrator), and a Variance for exceeding (during cumulative conditions) the wind hazard
criterion established by Planning Code Section 148 (Zoning Administrator). The project sponsor
would also seek...

Page 5, first partial paragraph, second line:

... parking spaces, and ~~15 commercial parking spaces~~.

Page 22, last full paragraph, fifth and sixth lines:

... level subterranean garage, with up to 46 independently accessible, or 101 valet, residential
parking spaces ~~plus 15 commercial parking spaces~~, would not be constructed.

Page 23, Alternative B: Existing Zoning Alternative, third and fourth lines:

...-M to C-3-G₇. Neither would this alternative require Conditional Use a Authorization for
dwelling-unit density, a Variance for dwelling unit exposure ~~or exceedance of the wind hazard~~

~~criterion~~, or exceptions to the rear yard and off-street parking requirements. A Conditional Use Authorization for residential uses in a C-M District would be required for this alternative.

Page 24, first partial paragraph, second line:

...101,750 sq.ft., or approximately 40 percent less than the approximate ~~168,194~~-169,441-sq.ft. proposed project. This...

Page 24, first partial paragraph, last sentence:

~~No commercial parking would be required under the Existing Zoning Alternative~~

Page 25, first full paragraph is deleted:

~~This alternative, unlike the project, would not require a Zoning Map Amendment to reclassify the project site from C-M to C-3-G, Conditional Use authorization for dwelling unit density, a Variance for dwelling unit exposure or wind hazard criterion exceedance, or exceptions to the rear yard and off street parking requirements. A Conditional Use authorization would be required for residential use in a C-M Use district.~~

Page 25, Alternative C: Reduced Scale Alternative, first paragraph, fifth line:

...approximately 101,750 sq.ft., or approximately 40 percent less than the approximate ~~168,194~~ 169,441-sq.ft....

Page 30, Project Characteristics, first paragraph, third through fifth lines:

...approximately ~~168,194~~-169,441-sq.ft. mixed use building with 117 residential units, about 2,742 sq.ft. of ground-floor commercial space and a three-level below-grade parking garage for up to 46 independently-accessible, or 101 valet residential parking spaces ~~and 15 commercial parking spaces.~~

Page 30, Project Characteristics, second paragraph, first line:

The proposed project's approximately ~~122,073~~ 123,320 sq.ft. of residential space, located on the second through...

Page 30, last partial paragraph, first and second lines:

The three-level, 29,343-sq.ft., below-grade parking garage would include up to ~~15 commercial parking spaces and~~ 46 independently accessible residential parking spaces, or 101 valet-operated parking spaces.

Page 32, Table 1, is updated as follows:

Table 1 Project Characteristics	
Use/Characteristic	Area/Amount
Residential	122,073 <u>123,320</u> sq.ft.
Commercial	2,742 sq.ft.
Residential common area	5,139 sq.ft.
Amenities	2,608 sq.ft.
Mechanical/Other	6,289 sq.ft.
Building Subtotal	138,851 <u>140,098</u> sq.ft.
Parking	29,343 sq.ft.
Total	168,194 <u>169,441</u> sq.ft.
Dwelling units	117
Residential parking spaces (independently accessible/valet)	46/101
Commercial parking spaces	15
Common Open Space	2,453 <u>3,030</u> sq.ft.
Private Open Space	4,200 <u>3,480</u> sq.ft.
Total Open Space	6,653 <u>6,510</u> sq.ft.
Height of building	130 ft.
Number of stories	14

Source: During Associates, ~~2008~~ 2009.

Page 32, first full paragraph, first through third lines:

Approximately ~~2,453~~ 3,030 sq.ft. of common usable open space would be provided at the penthouse (roof) level for the use of residents. ~~Seventy-six~~ Sixty-four of the 117 dwelling units would have access to private open space in the form of balconies or terraces ranging in size from 50 to 75 sq.ft., and totaling approximately ~~4,200~~ 3,480 sq.ft.

Page 41, fourth bullet:

- ~~The proposed project would require a Variance for exceedance of the wind hazard criterion established by Planning Code Section 148. Requires approval by the Zoning Administrator.~~

Page 45, second full paragraph, last sentence:

The proposed project, at ~~8.57~~8.72 FAR, would require the project sponsor to obtain TDR.

Page 46, first full paragraph:

Planning Code Section 148 establishes as a hazard criterion an equivalent wind speed of 26 mph for a single full hour per year. No building or addition that causes equivalent wind speeds to reach or exceed the hazard criterion for a single full hour of the year can be constructed. A wind tunnel test for the project indicated that the project would not cause any new hazard wind exceedances when added to existing conditions. With cumulative development, the wind tunnel test predicted a total duration of wind hazard exceedances of 109 hours per year at Tenth and Market Streets, compared to 94 hours per year under existing conditions. Analysis of margins of error of wind tunnel results in windy areas, the results of other wind studies in the area, the distance of the proposed project from the location of the exceedance, and the fact that the project is downwind of the exceedance, have led the Planning Department to determine that the proposed project would not have a significant effect on hazard wind hours at the Tenth and Market intersection. ~~However, the proposed project would require a Variance for exceedance of the wind hazard criterion, which the project sponsor is seeking. The proposed project would not result in the generation of a hazardous wind exceedance.~~

Page 59, Significance Criteria, second paragraph, last line:

spaces, ~~plus 15 commercial parking spaces.~~

Page 95, Parking Impacts, Existing Plus Project Conditions, second to last line:

...*Planning Code* Section 309.²⁴ The project would provide up to ~~15 commercial spaces and 46~~ independently...

Page 96, first full paragraph:

The proposed project would eliminate the existing 20 spaces of surface parking and construct a three-level underground garage with 46 independent self-park spaces or 101 valet-parked spaces,

~~and 15 retail parking spaces.~~ The proposed project's new residential uses would generate a demand for about 150 spaces, while its office/retail use would generate a demand for eight spaces. The total parking demand of 158 spaces would exceed the capacity of the proposed ~~146~~ 101-space valet-service garage by ~~42~~ 57 spaces, ~~(and would exceed the proposed garage's self-park capacity of 61 cars (46 residential cars and 15 commercial) by 97~~ 112 spaces).

Page 112, Wind Hazard Criterion, last two lines:

~~...and no exception may be granted (although as noted previously, the project sponsor would seek a Variance from the hazard criterion, for the reasons discussed below).~~

Page 154, A. Alternative A: No Project, Description, fifth and sixth lines:

... level subterranean garage, with up to 46 independently accessible, or 101 valet, residential parking spaces ~~plus 15 commercial parking spaces,~~ would not be constructed.

Page 156 (under the subject of Alternative B: Existing Zoning), first full paragraph, fourth line:

~~...exposure or exceedance of the wind hazard criterion,~~ or exceptions to the rear yard and off-street parking...

Page 156, first full paragraph, 11th line:

...sq.ft., or approximately 40 percent less than the approximate ~~168,194~~ 169,441-sq.ft. proposed project. This...

Page 156, first full paragraph, last sentence:

~~No commercial parking would be required under the Existing Zoning Alternative.~~

Page 157, second to last full paragraph, second and third lines (under Alternative B: Existing Zoning, Impacts topic):

...site from C-M to C-3-G, Conditional Use a ΔAuthorization for dwelling-unit density, a Variance for dwelling unit exposure ~~or exceedance of the wind hazard criterion, or~~ nor exceptions to the rear yard and off-street...

Page 158, first full paragraph, fifth line (under Alternative C: Reduced Scale, Description topic):

...approximately 101,750 sq.ft., or approximately 40 percent less than the approximate ~~168,194~~ 169,441-sq.ft....

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APPENDICES:

- 1. Comment Letters**
- 2. Transcript of Draft EIR Public Hearing**
- 3. Wind Memo**

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APPENDIX 1: Comment Letters

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STATE OF CALIFORNIA—BUSINESS TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 28660
OAKLAND, CA 94623-0660
PHONE (510) 822-6491
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

March 24, 2009

SF101177
SF-101-R5.07
SCH#2007122101

Ms. Carol Roos
Planning Department
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Roos:

1415 Mission Street Mixed Use Development – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the 1415 Mission Street Mixed Use Development Project. The following comments are based on the Draft Environmental Impact Report.

Highway Operations

Please include the following intersections in the traffic study:

- Duboce Avenue/13th Street/Mission Street/US-101 off-ramp
- Octavia Street/Market Street/US-101 off-ramp
- Bryant Street/9th Street/US-101 off-ramp
- Harrison Street/8th Street/Interstate 80 off-ramp

5.1

Should you have any questions regarding this letter, please call Yatin Kwan of my staff at (510) 622-1670.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa Carboni'.

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Neighborhood Position and Comments in Regards to the Draft EIR for 1415 Mission

as per
Eric Dash

940 Natoma Street #3 San Francisco, CA 94103

in collaboration with the
Natoma Street Neighborhood Group

April 9, 2009

In reference to:
Planning Department Case no.2005.0540E
State Clearinghouse no. 2007122101
1415 Mission Street Block 3510, Lot 001

Neighborhood Position and Comments in Regards to the Draft EIR for 1415 Mission

We, the residents and business owners, of the area in proximity to 1415 Mission Street, OPPOSE the proposed project at 1415 Mission Street in its current form. Any development should contribute to the transition between buildings of greater height and density along Market Street and as far as the north side of Mission Street to the lower height, density and scale along the south side of Mission Street, immediately bordering the reduced heights as specified by the Market/Octavia Plan on the south side of Mission to the east and the existing low-scale neighborhood adjacent to the property to the south in Western SOMA with an RED (Residential Enclave District) designation. *This is in accordance with Urban Design Element of the SF General Plan.* We are not opposed to development of this site; rather, we strongly suggest that the following actions be taken:

9.1

1. The proposed building, whether commercial or residential, should not exceed 65 feet in height. In addition, the building should incorporate setbacks to make the building narrower as it reaches maximum height.
2. No variance should be granted for parking in order to not exacerbate existing parking limitations, especially during the day.
3. No conditional use should be granted that would allow in excess of one dwelling unit per 125 sq. ft. lot area in order to avoid excessive bulk.
4. No variance should be granted for the dwelling unit exposure.
5. The wind study should be re-assessed due to the extremely hazardous wind conditions that are created by Fox Plaza and perpetuated by the existence of 120 foot tall buildings along 10th street.

6.1

HEIGHT

The proposed building, whether commercial or residential, should not exceed 65 feet in height. In addition, the building should incorporate setbacks to make the building narrower as it reaches maximum height. (#1)

3.4

- South Side of Mission Street

- o The RED on the north side of Minna is 40 foot zoning and all of Natoma is 50 foot zoning along with the greater part of 10th street south of Mission

4.1

- beginning at the south side of Minna Street. This borders the project immediately to the south.
 - Market/Octavia on the south side of Mission Street, up to the eastern boundary of CIIS at 1453 Mission, was re-zoned down to 85 feet from 130 feet. This is the border immediately to the west of the proposed project. The CIIS building is 85 feet tall. All of its windows facing east will be blocked. (See picture 1).
 - 122 10th Street is directly adjacent to the south and its north windows would be fully blocked. This building is only 3 stories tall and immediately adjacent to the site with 40 foot zoning (See picture 1).
- 4.1
- North Side of Mission Street
 - All of the building heights above 100 feet are on the north side of Mission Street.
 - Mercy Housing is 113 feet tall (123 at the top of the equipment).
 - The southern end of the BofA building between Market and Mission, bordering 11th Street, is only 6 stories tall while the 20 story tower is further north.
 - The SF Mart and Mart 2 are both the same height as mercy Housing.
- 4.2
- General
 - “The project would be visually consistent with the heights of buildings to the north, and somewhat consistent with buildings to the south, but the project would be taller than and visually inconsistent with existing buildings to the east and south” (P. 71 draft EIR)
 - The height and mass of the project would be part of a trend and transition from the smaller structures south of Mission Street to the taller and bulkier projects proposed or under construction north of Mission Street. (P. 70 Draft EIR). The existing neighborhood strongly favors a transition and does not favor encroachment. A 146 foot tall building is disruptive rather than transitional.
 - Though there are not any scenic views that would be blocked, the view of the sky and other buildings in the distance would be blocked (see pictures on page 66, looking south toward views of Saint Josephs Church, a historical landmark, at 10th and Howard and views north on page 69 of open sky and distant buildings in the Draft EIR). In addition, this would block natural light (not shadow). This is generally referred to as “access to light and air” by the Planning Department. From many of the residences on Natoma Street, we used to have views of Buena Vista Park and Grace Cathedral. These views have been fully blocked in the last 10 years and the neighborhood needs to preserve its existing views and access to light and air. (See pictures 2-9)
- 4.9
- Transitions
 - From the Draft EIR...”The City’s height and bulk districts serve a variety of urban design purposes. (SF Planning Code, Sec. 251, height and Bulk Districts: Purposes).
 - Principally these districts relate the height of new buildings to important attributes of the City pattern – such as the height, scale, the character of existing development – to avoid an overwhelming or dominating appearance. They also promote harmony in the visual relationships and transitions between new and old buildings.” There is a variety of height and bulk districts nearby, ranging from a high of 320 feet, on the block to the north of the
- 4.3

project sight, to a low of 40 feet, adjacent to the project site to the west (122 10th Street is actually to the south)

4.3

- o According to the SF Planning Department: Plan Element Urban Design (Urban Design Element):

PART 1 – CITY PATTERN AND CONSERVATION

- Large buildings impair the character of older, small scale areas if no transition is made between small-scale and large-scale elements. (Part 1, p.18, Fundamental Principles for Conservation, 4A)
- Visually Strong Buildings which contrast severely with their surroundings impair the character of the area. (Part 1, p.18, Fundamental Principles for Conservation, 4D). This directly affects the existing RED. (See picture 10)

PART 2 – MAJOR NEW DEVELOPMENT

- The fitting in of new development is, in a broad sense, a matter of scale. (Part 2, p.1, Human Needs) The scale of the project does not correspond well with the existing scale of the RED and existing zoning immediately to the south.
- Much effort has been made in the past to relate each new building to its neighbors at both upper and lower levels, and to avoid jarring contrasts that would upset city pattern. Special care has been accorded the edges of distinct districts, where transitions in scale are especially important. (Part 2, p.1, Human Needs)
- A building that is well designed in itself will help reinforce the city's form if it is well placed, but the same building at the wrong location can be utterly disruptive. (Part 2, p.2, Human Needs)
- The remaining aspect of building scale to be considered is that of bulk, or the apparent massiveness of a building in relation to its surroundings. A building may appear to have great bulk whether or not it is of extraordinary height, and the result can be a blocking of near and distant views and a disconcerting dominance of the skyline and the neighborhood. (Part 2, p.2, Human Needs). This is consistent with our request for setbacks and lower height.
- - The apparent bulk of a building depends primarily upon two factors: the amount of wall surface that is visible, and the degree to which the structure extends above its surroundings. (Part 2, p.2, Human Needs)
- Harmony with existing development requires careful consideration of the character of the surroundings at each construction site. The scale of each new building must be related to the prevailing height and bulk in the area, and to the wider effects upon the skyline, views and topographic form. (Part 2, p.2, Objective 3: Moderation of Major New Development to Complement City Pattern, the Resources to be Conserved, and the Neighborhood Environment)
- Larger, taller buildings can blend pleasantly with small-scale areas if the change in scale is not excessive and if their form or surface pattern is articulated to reflect the existing scale. (Part 2, p.3, Fundamental Principles for Major New Development, Item 1E)
- The relationship between areas of low, fine scaled buildings and areas of high, large-scaled buildings can be made more pleasing if the transition in building height and mass between such areas is gradual. (Part 2, p.4, Fundamental Principles for Major New Development, Item 4)

2.14

- A bulky building creates the most visual disruption when seen from a distance as the dominant silhouette against a background and/or foreground of much smaller structures. (Part 2, p.5, Fundamental Principles for Major New Development, Item 13)
- New buildings should be made sympathetic to the scale, form and proportion of older development. This can often be done by repeating existing building lines and surface treatment. Where new buildings reach exceptional height and bulk, large surfaces should be articulated and textured to reduce their apparent size and to reflect the pattern of older buildings. Although contrasts and juxtapositions at the edges of districts of different scale are sometimes pleasing, the transition between districts should generally be gradual in order to make the city's larger pattern visible and avoid overwhelming of the district of smaller scale. In transitions between districts and between properties, especially in areas of high intensity, the lower portions of buildings should be designed to promote easy circulation, good access to transit, good relationships among open spaces and maximum penetration of sunlight to ground level. (Part 2, p.6-7, Policy 3.1, Promote Harmony in the Visual Relationships and Transitions Between New and Older Buildings)
- Tall buildings should be clustered downtown and at other centers of activity to promote efficiency of commerce, to mark important transit facilities and to avoid unnecessary encroachment upon other areas of the City. In these areas, building height should taper down toward the edges to provide gradual transitions to other areas. (Part 2, p.8, Policy 3.5 – Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development, Map 4 – Urban Design Guidelines for height of buildings)
- In residential areas of lower density, the established form of development is protected by limitations on coverage and requirements for yards and front setbacks. These standards assure provision of open space with new buildings and maintenance of sunlight and views. Such standards, and others that contribute to the livability and character of residential neighborhoods, should be safeguarded and strengthened. (Part 2, p.25, Policy 4.15 – Protect the livability and character of residential properties from the intrusion of incompatible new buildings). This proposed building has walls that rise up 130 feet on all four sides.

2.14

PARKING

No variance should be granted for parking in order to not exacerbate existing parking limitations, especially during the day. (#2)

- The project would create a demand for 158 spaces under the proposed revised zoning to C-3-G. The building will only have 46 spaces (self-park) or 101 valet spaces. Daytime parking is at full capacity and at about 35% during the evenings. Under the current C-M zoning, the project would require 57 spaces (57 units would be created instead of 117 units). Under C-3-G, the maximum is 116 spaces or 117 under current C-M zoning if 117 units are built.
- Parking breakdown per unit

5.7

- 65 studio/1 bedroom allowed up to 49 spaces
 - 52 2-bedroom units allowed up to 52 spaces
 - The total parking demand of 158 spaces would exceed the capacity of the proposed 116-space garage (valet) by 42 spaces (and would exceed the proposed garage's self-park capacity of 61 cars by 97 spaces) as per the Draft EIR.
- The analysis of the vehicle trips may be too general for the Western SOMA area. The location is favorable for people who work in the Peninsula or East Bay due to the easy access to freeways. CalTrain's inadequacies are also demonstrated by commute times to simply reach CalTrain from most parts of the City and also the arrival points of CalTrain in the Peninsula that leave the commuter far from places of work. The easy access for vehicle usage for those who prefer to use cars to commute due to these shortcomings is a selling point to buyers/renters when attempting to market the units that specifically attracts tenants that have a greater propensity to own cars to the Western SOMA area. Claims of nearby public transit would convince people to eliminate cars may be overstated due to Peninsula commuters and tenants who desire to have a car for leaving the city (leisure).
- For example, in our building, we have 8 units and there are 8 spaces and 8 cars (and a motorcycle and various bicycles). All 8 cars are not used except to leave the City for leisure. Otherwise, residents use public transit, walk, bike or motorcycle (everyone works in the City). Under the same assumption that each unit will have one car, but not use it except to leave the City, where will the potentially additional 97 (self-park scenario) or 42 (valet scenario) cars be parked during the week, including daytime, if parking is already at full capacity during the day (97% capacity)?
- Cumulative parking demand, exacerbated by the elimination of off-street parking from in-fill sites would "likely create parking deficits relative to demand as the proposed project would." As per the Draft EIR.

VARIANCES

No conditional use should be granted that would allow in excess of one dwelling unit per 125 sq. ft. lot area in order to avoid excessive bulk. (#3)

No variance should be granted for the dwelling unit exposure. (#4)

- The exceptions/variances the project would need are the following (p. 2-3, Draft EIR Summary):
 - Zoning Map Amendment under *Planning Code* Section 302, *Planning Code* Amendments, to reclassify the project site from a C-M (Heavy Commercial) to a C-3-G (Downtown General Commercial) Use District
 - Exception for Accessory Parking above the principal permitted amount (Need a parking variance since there will 158 space needs versus only 117 spaces created)
 - Exception for Rear Yard Requirements
 - Exception for Curb-Out location on 10th Street
 - Conditional Use authorization under Code Sections 303(c) and 215 for dwelling-unit density in excess of one unit per 125 sq.ft. of lot area pursuant to *Planning Code* Section 215(b), to exempt the floor area of on-site below market-rate units from the FAR limit pursuant to *Planning Code* Section 124(f) (Planning Commission)
 - A variance from the dwelling unit exposure requirement for an open area at the southeastern corner at the site that several windows open onto that does not conform to *Planning Code* Section 140 (Zoning Administrator). (Sec 140 open area does not increase at 5 feet in every horizontal dimension, thus it requires a variance.

In addition, this is the side that faces the RED and faces a 40 and 50 foot height district and would abut right against 122 10th Street and completely block the existing windows of that building, completely blocking access to light and air for 122 10th Street).

9.3

- o Transfer of Development Rights under Section 128 of the *Planning Code*, Transfer Of Development Rights in C-3 Districts, for building above the permitted FAR in C-3-G Use districts (Planning Commission)

WIND

The wind study should be re-assessed due to the extremely hazardous wind conditions that are created by Fox Plaza and perpetuated by the existence of 120 foot tall buildings along 10th street. (#5)

6.1

- Wind – The Fox Plaza create hazardous wind conditions and the wind is channeled down 10th street. The consistency of 100 ft. tall buildings down this street perpetuates the problem. The existence of another building that is even taller will make the problem worse. A stepped-down smaller scale version will help this wind tunnel effect dissipate, whereas a taller one will exacerbate the problem.
- We request that monitors be installed for wind speeds to exceeding 25 mph to shut down construction.
- As per the EIR... "Buildings that are much taller than the surrounding buildings intercept and redirect winds that might otherwise flow overhead. Building walls divert winds downward towards the street, where ground-level wind speed and turbulence may be increased. These redirected winds can be relatively strong and incompatible with the intended uses of nearby ground-level areas." The consistency of the façade all the way up to 130 feet on all four side of the building will definitely create this effect.
- In regards to the Hotel Intercontinental at 5th Street and Howard Street, can we review the wind study in its EIR and then compare that to actual results. There is now a noticeable difference in wind strength and patterns due to the erection of this building along the Howard Street corridor just south of 5th Street that is especially noticed by bicycle commuters along this bicycle transit route.

6.2

6.3

6.4

6.5

GENERAL

- The developer's objectives that would not be met with a smaller version of this project are the following:
 - o Meet the project sponsor's objective of a reasonable return on investment (profit should not be the driving factor for development at the expense of livability for the existing neighborhood...there is a balance.)
 - o The goal of anchoring the corner site with a visually prominent building (That is a very personal goal. The Neighborhood's goal is to anchor it with a park and the existing neighborhood and residents and businesses certainly need to have a voice)
- As per the Draft EIR, Alternative B (Existing Zoning Alternative) would be the environmentally superior alternative because it would have even less physical impacts than the proposed project. Nonetheless, the SF Planning Department is moving towards eliminating C-M zoning in favor of C-3-G zoning. The intent is to implement the updated parking requirements (fractional), but it brings higher density limits.
- The number of cumulative units added north of Mission Street is 3,745 to 4,440. Doesn't this neighborhood already absorb more than its share of housing? Livability and the addition of open space, to address already serious deficiencies in open space for SOMA, should not

2.4

8.3

3.6

be sacrificed at the expense of excessive density and unreasonable profit thresholds by developers.

] 3.6

Neighborhood Position and Comments in Regards to the Draft EIR for 1415 Mission (Further comments regarding wind)

**as per
Eric Dash**

940 Natoma Street #3 San Francisco, CA 94103

**in collaboration with the
Natoma Street Neighborhood Group**

April 10, 2009

In reference to:

Planning Department Case no.2005.0540E

State Clearinghouse no. 2007122101

1415 Mission Street Block 3510, Lot 001

In regards to the Wind Study for 1415 Mission Street, the neighborhood has direct experience of experiencing wind that possibly reaches the Wind hazard Criteria along the 10th Street corridor between market and Mission Streets. It is a recognized fact that the SW corner of 10th Street and Market Street reaches the Wind Hazard Criteria due to the existence of Fox Plaza.

6.2

The neighborhood would like to know if any actual tests have been done, outside of a theoretical model world, along this corridor in order to be able to substantiate theoretical test results for wind speed. This is relevant since the proposed project at 1415 Mission would further exacerbate this problem due to its height which would prohibit winds from dissipating from further up 10th Street.

6.6

As an example, we have reviewed the Wind Study for 888 Howard Street from 2002. Bicycle commuters have been complaining about extremely high wind speed created by the existence of this structure while riding westbound on Howard Street, approaching 5th Street. From many of the descriptions, it is possible that the wind speeds exceed Hazard Criteria.

The wind study specifically states "The proposed project would result in wind speeds ranging from 7 to 20 miles per hour, a range higher than existing conditions. As shown in Figures B-1 and identified in Table B-1 in Appendix B, with the project, 12 of the 29 test locations would exceed the comfort criterion. In five cases, the locations where the comfort criterion is exceeded under existing condition would continue to exceed the criterion after project construction. Seven additional locations that currently meet the criterion would exceed the criterion. At four locations that currently exceed the comfort criterion, the criterion would be met with the proposed project. A net of three new pedestrian comfort criterion exceedances would be caused by the proposed project.

6.7

The greatest changes in wind speeds on sidewalks would be increases from 11 to 17 miles per hour at the south sidewalk on Howard Street and from 11 to 20 miles per hour at the southwest corner of the project site at the intersection of Fifth and Howard Streets."

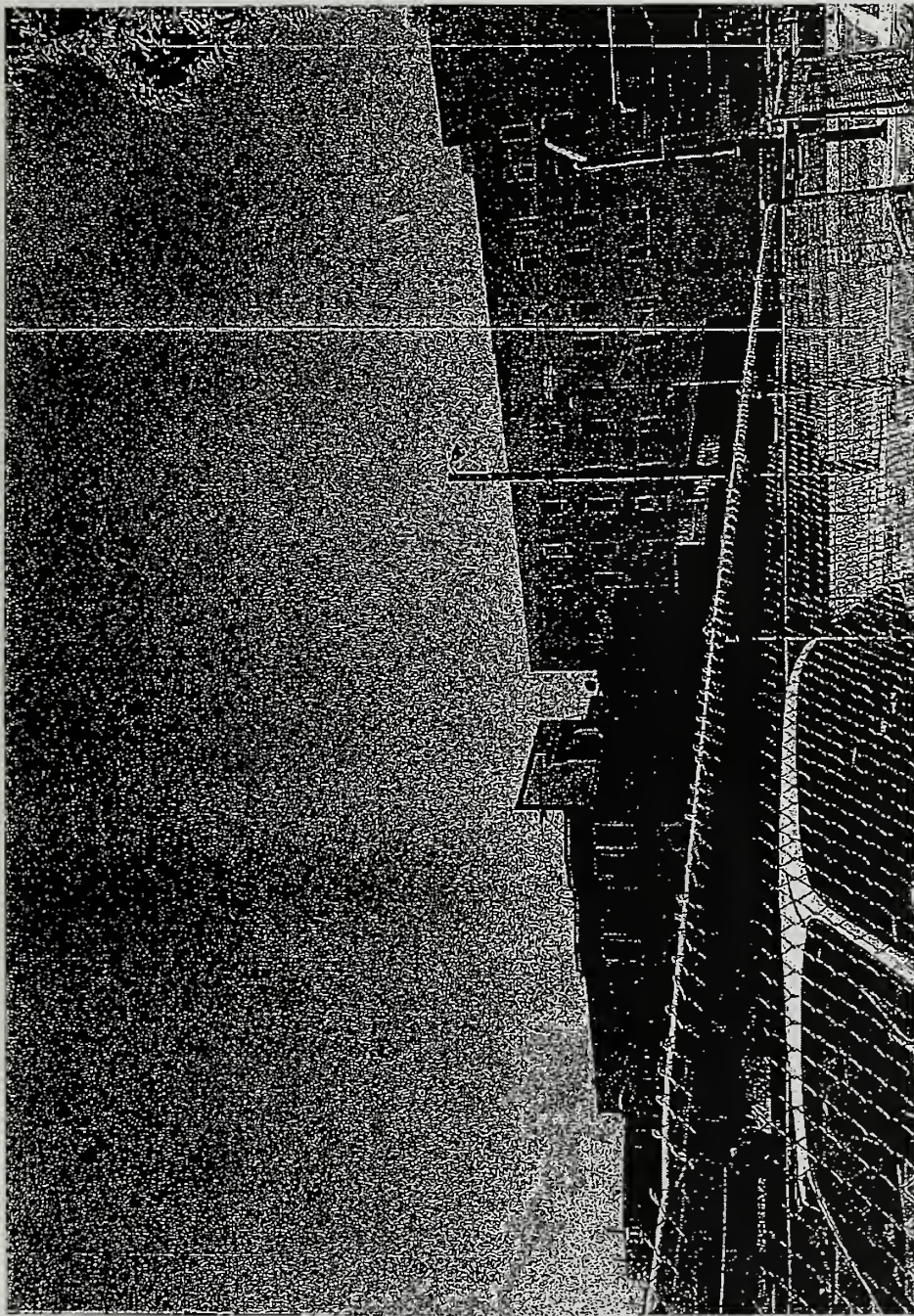
"In summary, the proposed project is located at an area with moderate existing wind conditions. The proposed project would not create new wind hazard exceedances."

Since the project and Moscone west are both fully completed and there are not further scheduled or proposed projects near 888 Howard that would alter existing condition, we propose that the Planning Department exercise due diligence on the actual winds around and as a result of this project and compare them to the Wind Study done in 2002.

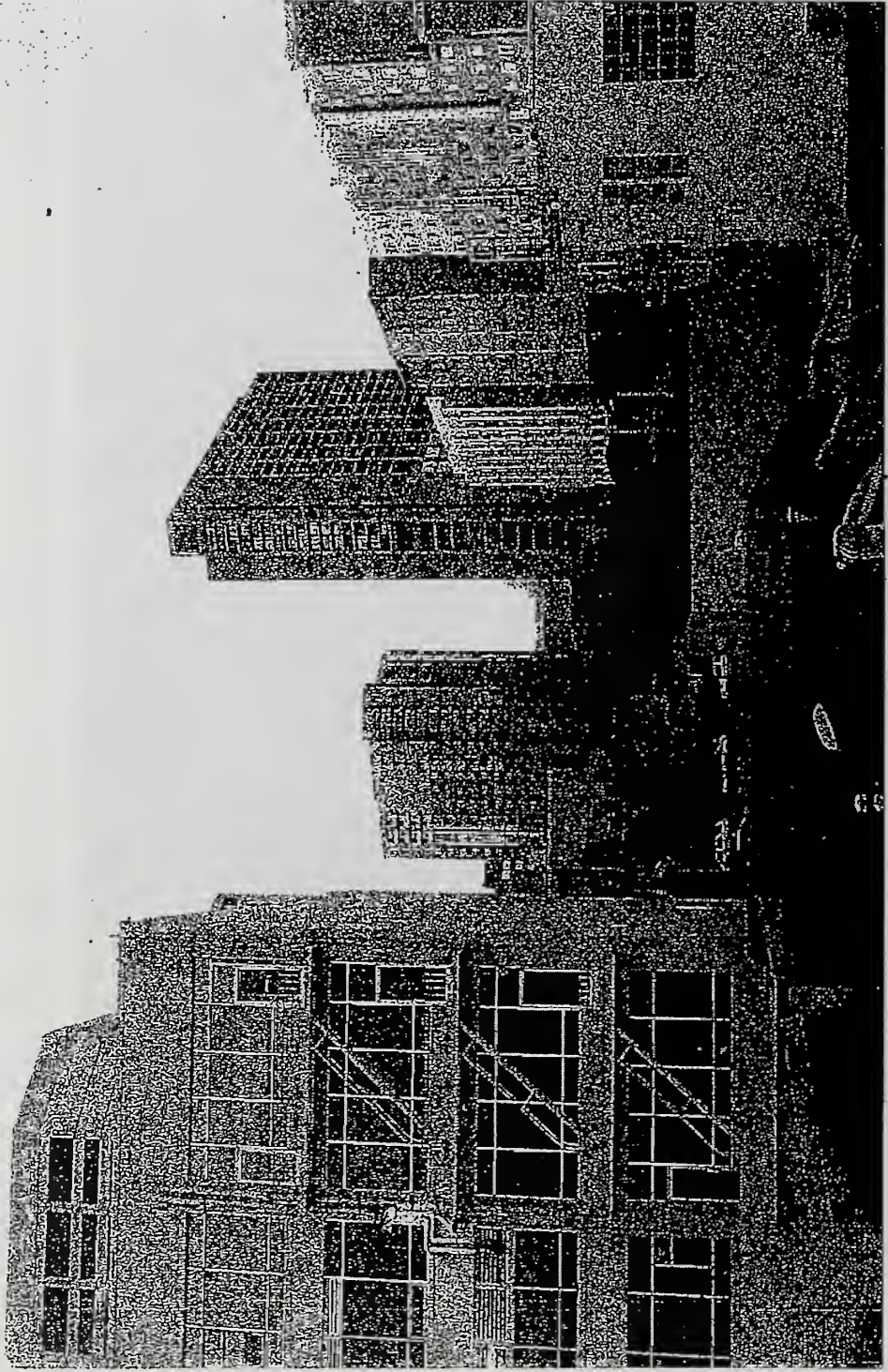
This sort of testing for accuracy may serve as great importance for the City's methodology and subsequent determinations of wind effects for proposed projects, inclusive of 1415

Mission and for other projects slated to be developed along 10th Street down to Mission Street.

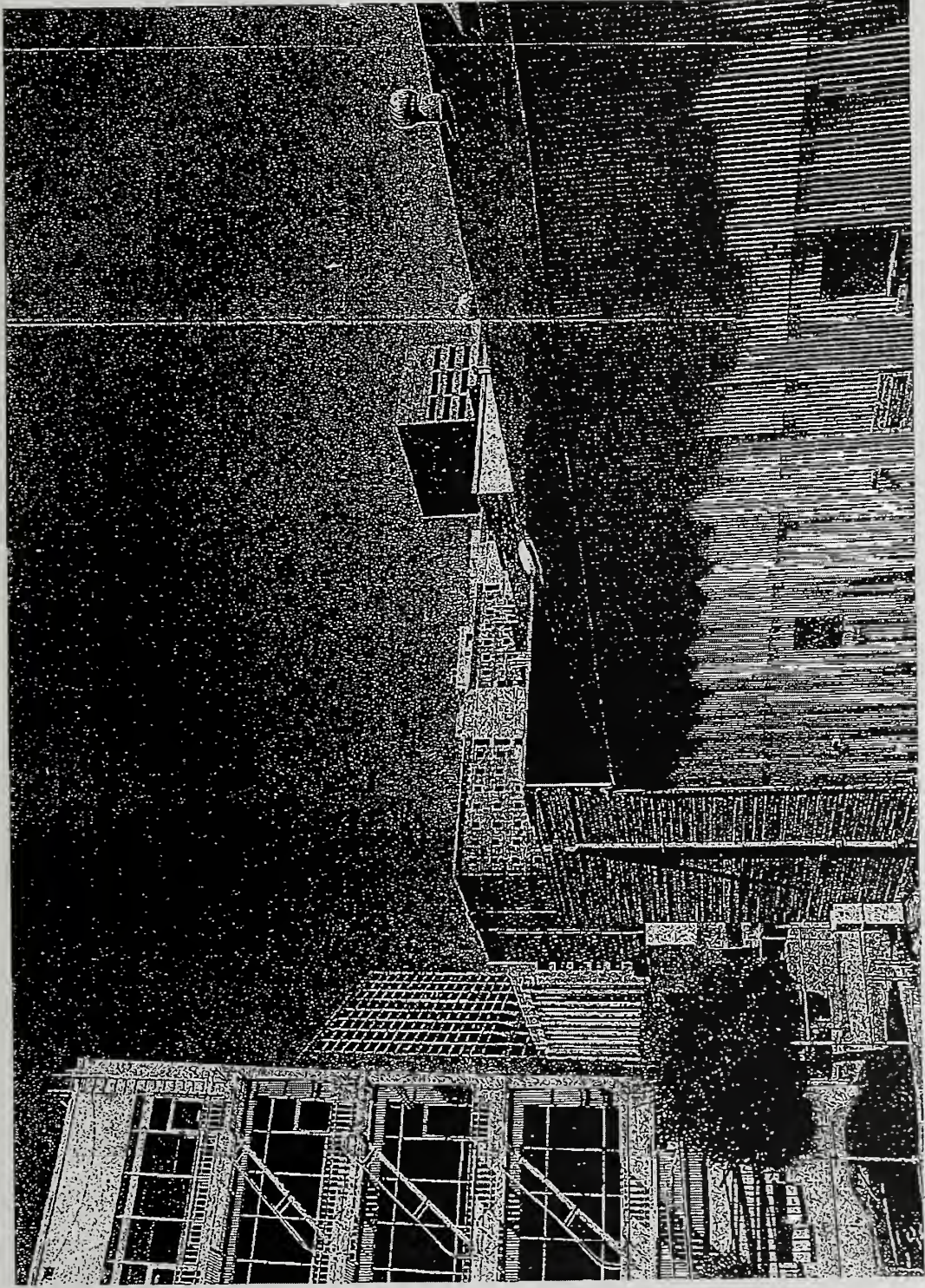
Based on actual walking experiences on 10th Street we feel that until some sort of testing for accuracy has been done on Wind Studies, the neighbors in proximity to the proposed project at 1415 Mission do not feel that the “the proposed project would not contribute to a significant adverse cumulative wind hazard impact.” (p.121). There is too much at risk given the existence of the wind Hazard location at the SW corner of 10th and Market Streets.



Picture 1 - View of CIIS and 122 10th Street and blocked windows and views due to 1415 Mission Street



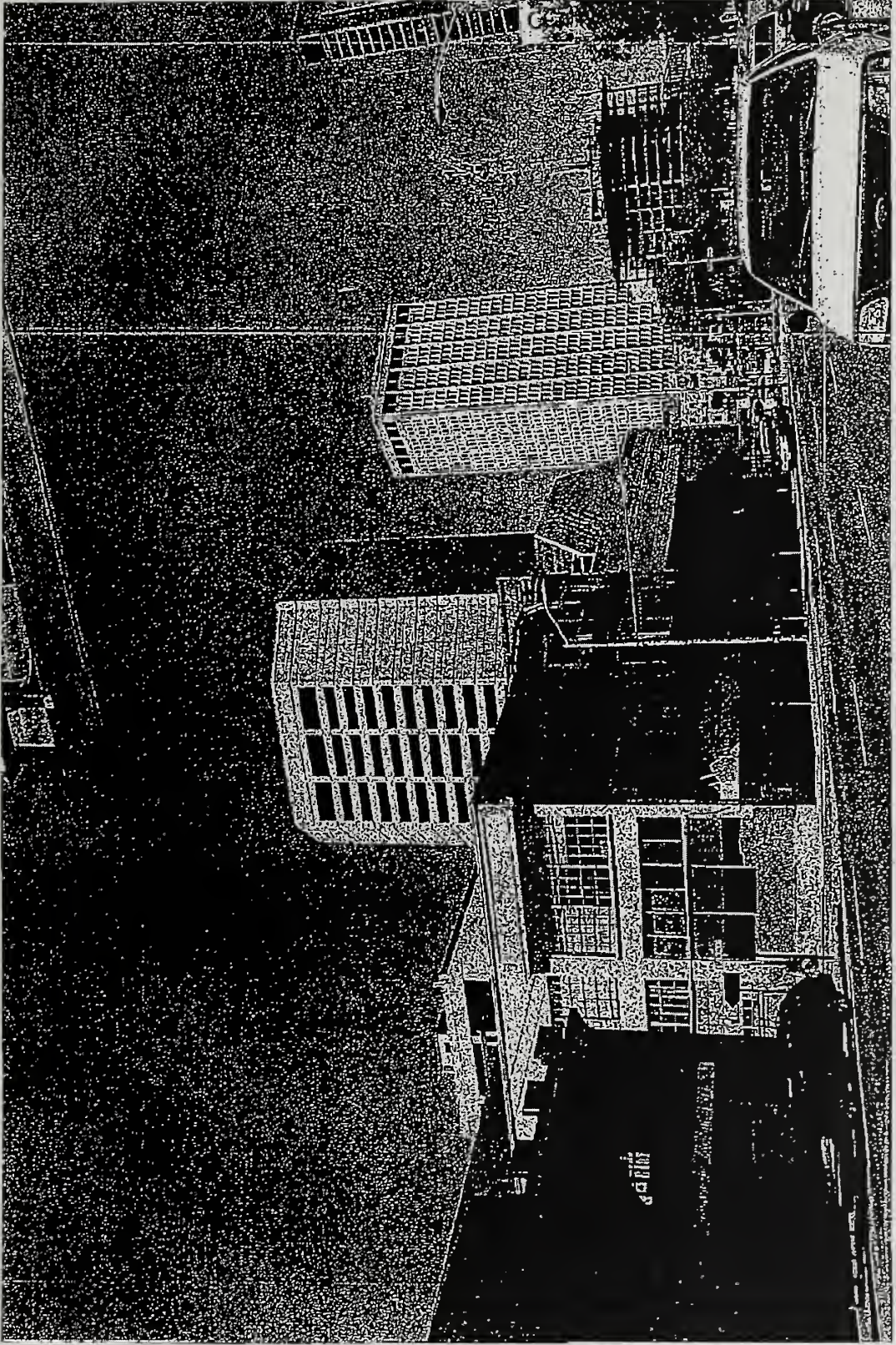
Picture 2 - Views from 940 Natoma Street looking north
There used to be complete views of Grace Cathedral prior to the Argentina



Picture 3 - View northeast from 940 Natoma Street



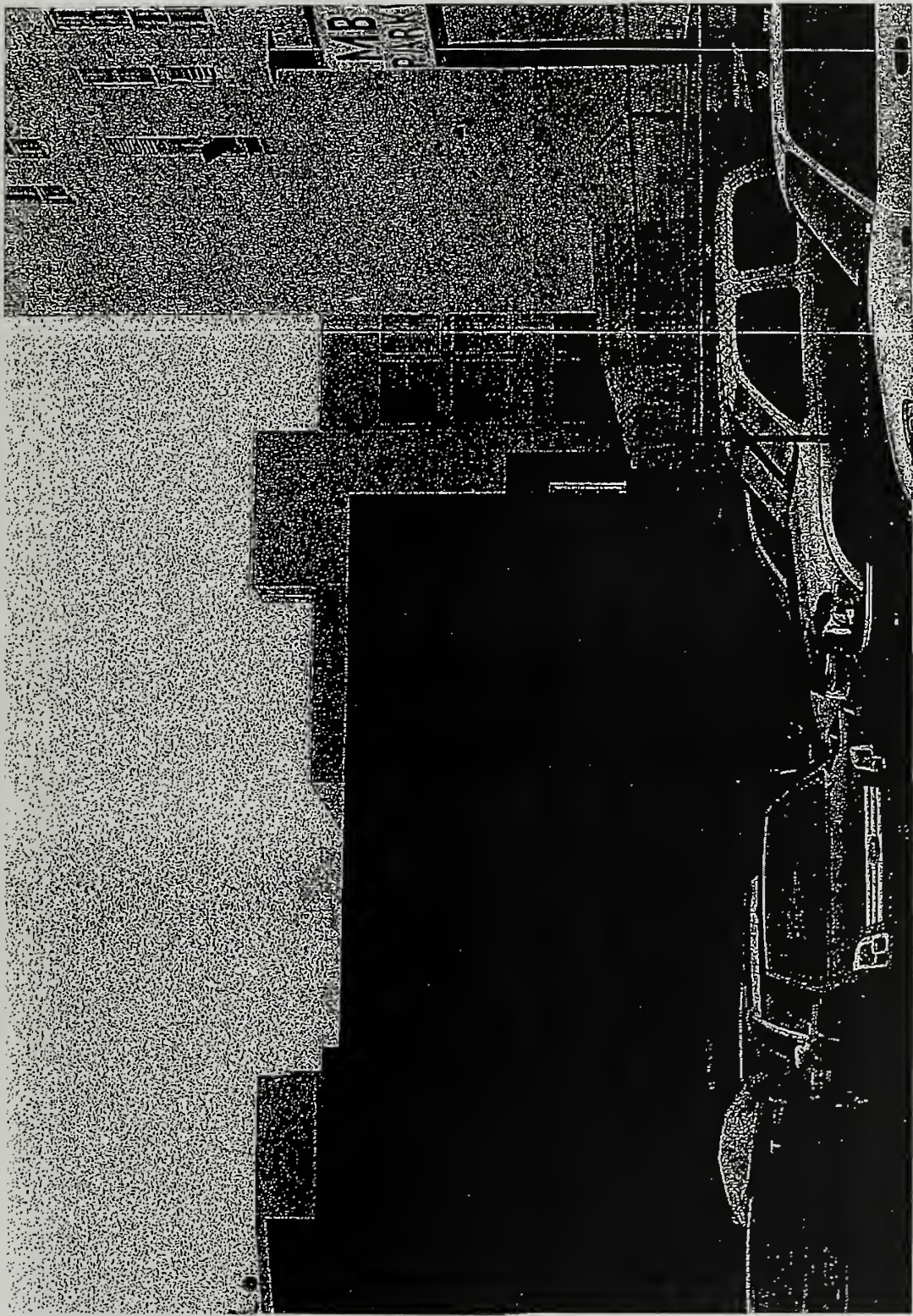
Picture 4 - View from 960 Natoma Street looking Northeast



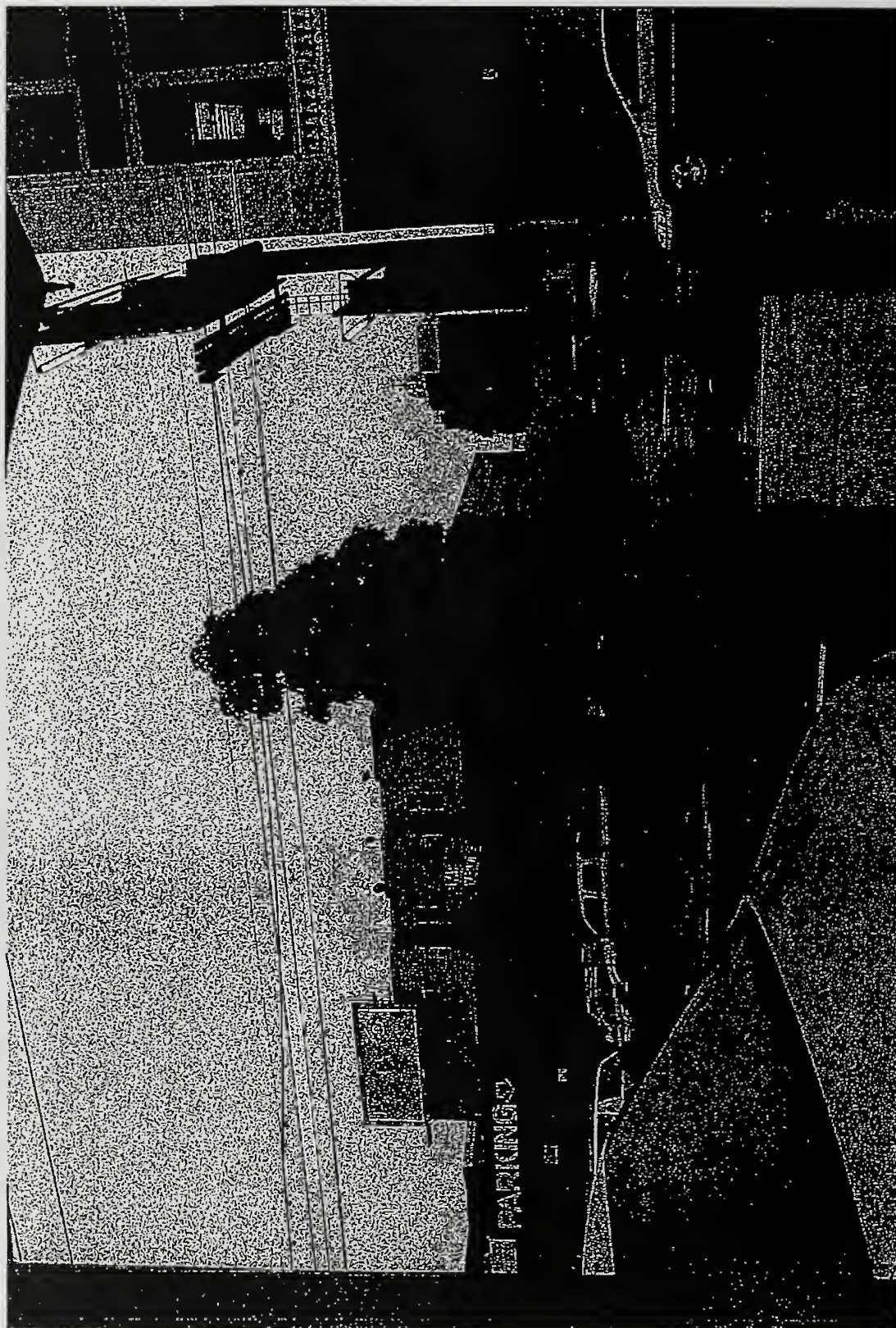
Picture 5 - Views northwest of buildings and sky from Howard and 10th Street



Picture 6 - Line of sight from 1415 Mission to 960 Natoma



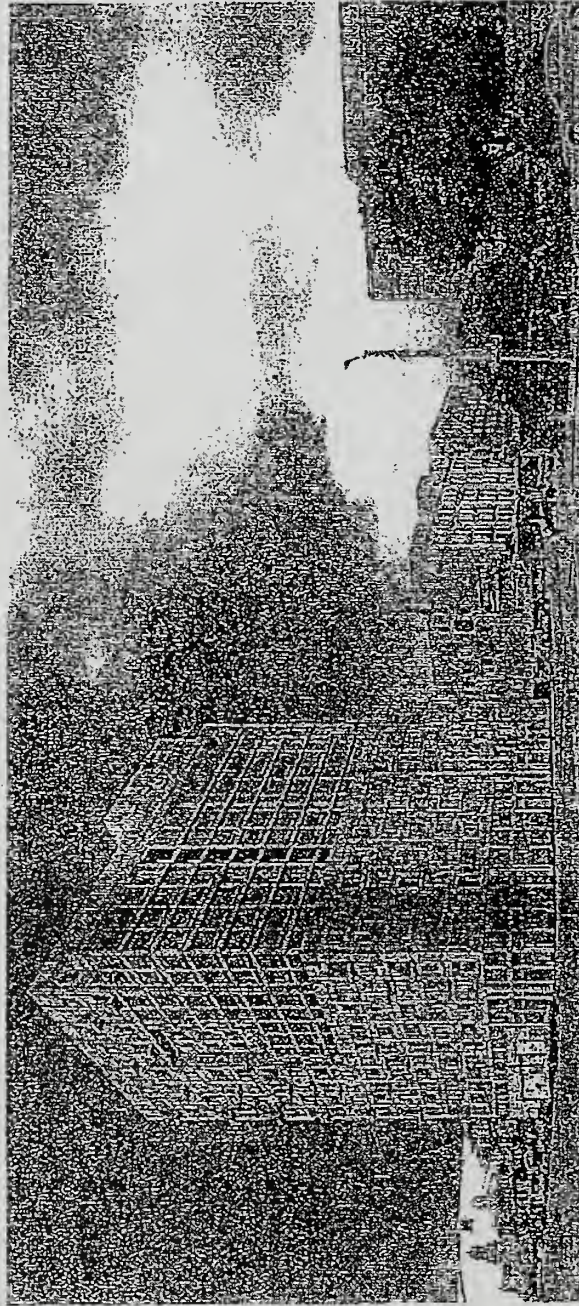
Picture 7 - Line of sight from 1415 Mission to 940 Natoma



Picture 8 - Line of sight from 1415 Mission to 920 Natoma



Picture 9 - Views from Market Street toward 10th and Mission showing potential to block views of St. Josephs



View from Mission St and 10th St
 HELLERMANUS
 10th St

1415 Mission Street
 SAN FRANCISCO, CA

Aug 21, 2006
 R & K Threshers

SUE C. HESTOR

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April 13, 2009

Carol Roos
Planning Department
1650 Mission Street 4th fl
San Francisco CA 94103

2005.054E - 1415 Mission Street DEIR Comments

Dear Ms. Roos:

Page 39 elevation shows the garage entrance/exit to this project on 10th Street. Please set out the path of travel for CARS using the garage, showing one-way streets in the immediate area, so that it is possible to see how a car travelling to the freeway entrance at South Van Ness near 13th and from the Central Freeway exit at 9th Street.

5.5

p. 42 - please explain why this site was in, then taken out, of the boundaries of the Market-Octavia Plan. Having attended many of the M/O hearings, almost NO COMMUNITY discussion was given to areas south of Market and east of Van Ness. The discussion of "across the street" M/O zoning seems to only cut one way - in favor of INCREASED housing density. Explain why LOWERED heights - to 85' - are not a larger clue as to the intention to REDUCE HEIGHTS so they are more compatible with EXISTING residences in the South of Market. Again, when was the 130' height established, and was it part of a comprehensive community plan?

2.6

p. 44 Area Plans - please show on a map the most recent area plans that govern this area, along with information on when they were adopted. This would include: Market-Octavia Plan, Downtown Plan, boundaries of the "currently undergoing environmental review" West SOMA Plan, the 1990 South of Market Plan which guides the area south of Mission until it is revised. In the case of THIS site, which has C-M zoning and a 130-foot height limit, please also provide the date that C-M zoning was imposed, as well as the date of the 130' height.

2.5

I believe that an honest description of this area would show attempts from the 1980s to present to relate the zoning to the existing lower scale of development SOUTH of Mission (e.g. THIS SITE) as compared to the HIGHER heights north of Mission. The maps don't explain much.

p.45 - the proposed rezoning of this LOT to C-3-G (from C-M zoning which governs a 3 "mini-block" stretch along the south side of Mission) is SPOT REZONING. Why was just THIS site proposed for rezoning? Over a year ago I sent a letter to Amit Ghosh about these "orphan" C-M parcels, asking that Planning act to in an organized manner rezone these C-M parcels, along with two on the block to the west, and several on lower Cortland. This would be a more responsible way to eliminate the C-M zoning category. The C-M zoning was basically obliterated by the Mission Area Plan. A PLANNING solution would be to overhaul all of those sites, not indulge in spot zoning.

2.7

p. 46 - top partial paragraph. The DU exposure standard has an underlying policy. Isn't it that the separation increases as the building gets taller so that units on the lowest residential story still have healthy exposure to sunlight and air? That is why there is an increase of 5' per story after the first few stories of height. Please explain this.

2.2

p.46 - what were considered to be the "existing conditions" at 10th & Market in the first full paragraph. The buildings on the site were demolished about a year ago. Was the site vacant when the studies were performed?

6.9

p.47 - I find this repeated attempt to "hi-jack" policies of the M/O plan - without complying with the full range of REQUIREMENTS/MANDATES in that plan to be bothersome. If this project was in M/O what additional requirements would be imposed on them, INCLUDING housing conditions? Oh yes, and its LIMITS on parking, which seem even more important at a site that is literally surrounded by transit service that will be compromised by additional cars, coming from new parking, flowing into intersections that handle substantial Muni service while at the same time being at levels D or worse.

2.1

5.9

The reference to the West SOMA Plan boundary ending at Minna would be more understandable if there was a map labeling Minna and showing the Plan boundary.

2.8

p.54 map of existing uses - the Merchandise Mart (9th to 10th south side of Market) is just that. It sells goods. It is NOT an office building.

1.2

p.57 - the SOMA Grand is right next to Trinity Plaza and is a substantial new market-rate housing structure. It should be included on this list and map.

3.1

p.56 - there should be an emphasis that the uses NORTH of Mission are different from the uses SOUTH of Mission. Mission is a dividing line on zoning maps and in actual usage. The SCALE is much lower, recognizing the long-standing pattern of low-scale housing on the interior of blocks south of Mission. That housing is an important resource for the City. This is a POLICY issue and is skirted in the text of the DEIR. Page 55 lists LOW residential buildings south of Mission, then much taller buildings NORTH of Mission. This project will set a precedent of TALL residential buildings in this end of south of Market. The precedential nature of the project must be discussed.

3.2

p.60 - the ridiculous reference to the M/O plan takes absurd heights in the reference that high residential density has a less than significant impact in M/O. There was NO PUBLIC DISCUSSION OF THIS SITE AT THE M/O HEARINGS in conjunction with the certification of the M/O EIR.

3.3

p. 63 - top of page. MEA - PLEASE EXCISE ALL REFERENCES TO DISTANCES BY "BLOCKS." THIS IS A RIDICULOUS WAY TO MEASURE DISTANCES. SOM "blocks" are much longer than NOM "blocks." What are the distances IN FEET to each of the parks mentioned. **THE TERM BLOCK FOR DISTANCE SHOULD HAVE BEEN ELIMINATED YEARS AGO. It is MEANINGLESS.**

9.5

Aesthetics in general - this is a blocky, tall building. The area around Market Street is particularly vulnerable to diagonal perspectives of buildings. The street patterns change at Market. It is much more likely that a building will be seen at an oblique angle, including from public sidewalks, so close to Market St. Please provide the WORST perspectives where the building will be seen at an angle where two facades will be seen on the diagonal.

4.4

Housing Demand -

The projects listed in the Land Use section include many recently constructed buildings, as well as those which have been approved but are not yet built. The City has been approving MANY MANY high-end buildings for which there appears to be minimal "demand" from SF residents. Please explain the prices at which those completed have sold, against the demand set out in the Housing Element. There is more than one category of "market rate." Please set out the income/prices NEEDED (per the Housing Element) against the income/prices REQUIRED TO BUY IN A BUILDING LISTED IN THIS SECTION.

3.8

Respectfully submitted,

Sue Hestor

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April 13, 2009

Carol Roos
Planning Department
1650 Mission Street 4th fl
San Francisco CA 94103

2005.054E - 1415 Mission Street DEIR Comments #2

Dear Ms. Roos:

Photos - pp.66-69 - I commented re aesthetics on the need to show perspectives where you see two elevations at the same time - the maximum bulky appearance. These are the photo perspectives that are relevant. Note on p. 69 the much more massive appearance of the project as compared to the Fox Plaza.

This is relevant to the discussion on p. 70 re "more prominent structures." Where in recently adopted plans where that is considered to be A GOOD THING? What are transition policies in the General Plan elements. This appears to be an extension of taller bulkier projects from the north of Mission down close to low scale HOUSING in the south of Market. This is not consistent with how the City intends to deal with residents of low scale neighborhoods. The physical separation of Mission Street itself buffers the large buildings north of Mission from the housing south of Mission.

4.5

p. 72 - The second paragraph rather dishonestly discusses the M/O plan and its failure to reduce the height limit on this site: "The height limit for the project site was not changed from 130 feet [in the M/O plan...]" Why wasn't it? BECAUSE THIS SITE WAS NOT INCLUDED IN THE M/O PLAN.

4.6

p.86 - you have a plan showing bicycle circulation, but omit general traffic circulation. Please show all one-way streets INCLUDING ALLEYS so that how people can access/leave project garage can be figured out. Alleys have housing on them and encouraging/accommodating additional traffic from the cars in this garage should be explicit. It would be helpful to also show the garage entrances/exits, along with the maximum number of parking spaces in that building, from recently approved high-rise housing south of Market. You already have a list of projects in the DEIR.

5.4

p. 89 - project travel demand. Please explain the October 2002 guidelines re assumptions that the amount of PARKING in a building does not matter. If a building has literally hundreds of parking spaces it is treated the same as one with NO PARKING. That even if parking is available, it won't affect people's decision whether or not to drive.

5.12

At the time these Guidelines were adopted, how many high dense housing structures had been built near freeway entrances/exits, e.g. around Van Ness and Mission, Rincon Hill, and other similar areas? How much housing demand was for persons working in Silicon Valley, for whom a reverse commute can be attractive if a freeway entrance is nearby?

Please provide a graphic showing the most routes to/from freeway entrances, both going east and south.

5.3

Literally thousands of new units are being built near the 101 entrances in M/O, South Van Ness, and other ramps, so that the City is accommodating a Silicon Valley work force that has greater ability to pay the costs of this housing. This project with 117 dwelling units will have 101 parking spaces. But only 27 p.m. peak hour car trips. (p. 89) Market & Van Ness is now at C/D and will go to E/E. This intersection carries a substantial amount of Muni vehicles, and is a choke point on transit routes. MEA keeps saying that it doesn't matter how many parking spaces are provided in those buildings, because PEOPLE WON'T DRIVE. Further (p. 89) that 95 percent of the p.m. peak trips would be made within SF - despite the fact that does not match current employment patterns of the residents of new housing. Please explain this departure from common sense.

5.2

Wind conditions

In San Francisco the climate has 3 components - sunlight, winds and FOG. Fog exacerbates wind conditions because it sometimes makes conditions cold and uncomfortable. FOG is ignored in this, as well as other, EIRs. FOG is a physical, environmental fact of life in San Francisco. Why is it ignored? I could not find even one use of the term "fog" in the DEIR. Unique environmental conditions, that are not covered by the usual CEQA matrix, should be evaluated particularly when they are prevalent in the affected area. In San Francisco, the high winds that come down the Hayes Street hill and slam into the area around 10th & Market are often accompanied by FOG. Fog changes the climate, particularly for pedestrians and bicyclists. Because the fog often obliterates areas of sunlight, people scurry to find places warm/pleasant enough to walk. Please go through the wind section and add an overlay discussing FOG conditions at various times of year. The weather history in SF tracks fog as well as temperature. I refer you to the weather page of the SF Chronicle which includes FOG information, which they get from government sources.

6.10

The pedestrian comfort criteria, and the seated criteria should include the effects of/whether there is FOG. This project, like the other new residential projects in this area, bring people into this area who can be there 24/7. Impacts of climate are much more important when it is the place where one lives, not just where one goes to work 40 hours a week. We are bringing in thousands of people to an area where there are substantial wind problems, which are complicated by FOG.

6.11

p. 111 - reference in BACKGROUND paragraph is made to how this project will measure up to wind standards applied in C-3 districts. This site is two lots away from Minna Street and the SOUTH OF MARKET PLAN area. What are the wind standards in THAT area? I take it from the lack of reference to the M/O Plan, that there are no wind standards for that Plan.

6.12

P. 111 En 41-claims that 50-year old data on wind conditions is sufficient, because the US Weather Bureau has relocated its station away from the City Center. That's awfully weak justification. Has the Department explored with the federal government - perhaps using Speaker Pelosi's office - the reinstallation of a weather bureau monitoring station in the Civic Center Area. The new federal building is supposed to be cutting edge re environmental issues. Perhaps the government could use THAT facility for a new weather monitoring station. The various federal buildings in the Civic Center are in the hub of dangerous winds (including the Burton building on Golden Gate. HAS ANYONE FROM MEA/THE CITY TALKED TO THE FEDS ABOUT REINSTALLING A STATION TO MEASURE WIND CONDITIONS? The built conditions in this area have changed rather dramatically over 50 years. During that period the AAA building and the Fox Plaza - which exacerbate these dangerous

6.13

winds - were built. Over the same period other buildings have been and are being added. It would be helpful if we had consistent wind measurements.

6.13

p.113 - 1160 Mission is commonly known as SOMA Grand, isn't it. It would help if common names of buildings at certain addresses were also given. 1177 Market is Trinity Plaza. 1355 Market is the Merchandise Mart - which has apparently withdrawn its application.

1.3

Existing wind hazard conditions - please explain the current conditions for bicyclists in this area, including Mission. The erection of new highrises on the north side of Mission, including the SOMA Grand, have created dangerous winds that ebb around buildings. The Venturi effect? Please consult bicycle advocate organizations and routinely ask them about wind impacts for projects in this area and others with difficult wind conditions. You DO want to know, don't you?

6.14

Maps of wind measurements (pp. 114-115) and shadows (pp. 124-127) - please compare the areas with problem winds to areas where shadow is being added. These two factors will exacerbate conditions for pedestrians. Also, please describe where SERVICES are available for residents in this area, relative to wind and shadow conditions. Again this is an "unpleasant climate" factor for thousands of new and existing residents in the area. It would also be helpful to overlay MUNI stops/waiting areas to help understand the conditions people will face. The City is trying to develop a neighborhood in this area. Will it be a pleasant neighborhood?

6.15

p. 119, fn 45 - reference is to "reports" - is this only to reports that have been specifically described in other footnotes/text in this section? I was shown a document set that, I believe I was told, had been recently delivered to MEA with a cover letter from D. Ballanti. Is THAT the reports mentioned? Were they available in Department files when this EIR was released? Most of those memos deal with the 10th & Market project.

6.16

p. 120 - ref to Ballanti-Waechter memo. Is that the one mentioned in fn 38?

Same page, last para - please describe the setting (stores, community facilities, housing, bus stops, etc) at each exceedance location. Numbers are SOOO boring. Tell us what goes on at those locations.

6.17

I refer to the 1/10/08 letter on the NOP for this project from the Calif Department of Transportation. On page 2, under Community Planning, it asks MEA consider developing and applying pedestrian and bicycling performance measures as a means of evaluating project impacts on pedestrians and bicyclists. I don't believe that has really been done in the DEIR. Go back and review this entire paragraph of comment. Please discuss impacts on PEOPLE, those who walk the streets and bicycle. They face real problems in this area.

5.15

Monitor wind conditions AFTER construction

To follow up on comment above re reinstating a weather monitoring station at one of the federal buildings, if the feds are unwilling to do so, what would be the cost of installing such a station in the Civic Center area? The City should consider imposing a fee towards construction of such a facility on buildings which affect wind conditions.

6.12

A RADICAL IDEA - require an after construction re-evaluation of actual conditions. The Board of Appeals ASSUMED that such was already the case when they heard the 10th & Market project. They

6.18

were surprised that there was no "testing" of assumptions via an after construction analysis. What are the POLICY reasons for not testing assumptions after the fact.

6.18

p. 139 Growth Inducement - this is a precedential building. It is pushing highrise housing south of Mission Street west of Yerba Buena. This will break new ground and push highrises right up against low-scale residences. Please discuss.

7.1

Alternatives - p. 153

Comments by Natoma neighbors should be construed as requesting that a 65' high alternative be added to the EIR. An alternative at that height, that complies with existing allowed RH-4 density, would result in a reasonable building of 57 units. Such an alternative, or even one at 85' with the same number of units, would be much more compatible with the scale of the existing residences south of Mission.

8.1

Alternative C, p. 159 says that the developer's goal to "anchor the corner site with a VISUALLY PROMINENT BUILDING" would not be met by the 85' alternative. Given the problems that the visually prominent building proposes creates, it would be a blessing to the City and the neighborhoods for this to not be a visually prominent building.

8.2

Respectfully submitted,

Sue C. Hestor

Copy

1 June 2006

Reviewer Caron Jo Parker, 415-558-5965
Planning Department, City and County of San Francisco
1660 Mission Street, Suite 500
San Francisco, CA 94103

Re: Project Title: 2005.0540E - 1415 Mission Street, Demolition of existing building and construction of new mixed-use building with 156 dwelling units over round floor retail space.

Dear Caron Jo Parker:

It is with extreme urgency that I reply to your letter of 19 May 2006 announcing construction of a 16-story multi-use building, following demolition of the existing structure on the corner of Mission and 10th Streets

As a resident of this neighborhood as well as a daily cyclist, I am very concerned about this proposal. Why would you build this 16-story monstrosity in a community where buildings are typically a far less alienating five or six stories? Further, you make no mention of facilities for bicyclists although you make full mention of catering to cars via valet parking—in an already very hazardous motorized traffic area. How do you plan to make the streets safer for cyclists and pedestrians in this transit-first city?

5.14
4.8
5.14

I am not anti-development; however, I am very opposed to the Manhattanization of San Francisco, and voted so when it was on our City and County ballot. There is no reason to build so HIGH here. There are currently vacancies in buildings throughout the city. I guess a wealthy developer might like to sell \$2-to-3-million-priced units atop the valet parking site perhaps, but one person's financial interests should not outweigh more important issues—like increasing livability and quality of life in this city. Our neighborhood continues to be a bit sketchy and requires much better care and services. Dumping a 16-story building on a corner that once housed a one-story building is not a solution I as a homeowner can live with easily (and I sincerely want my neighborhood to come up).

4.10

Please keep me informed of everything regarding this project as it will affect not only Mission, 10th, and Minna Streets but my very own front yard, backyard, and roof top as well.

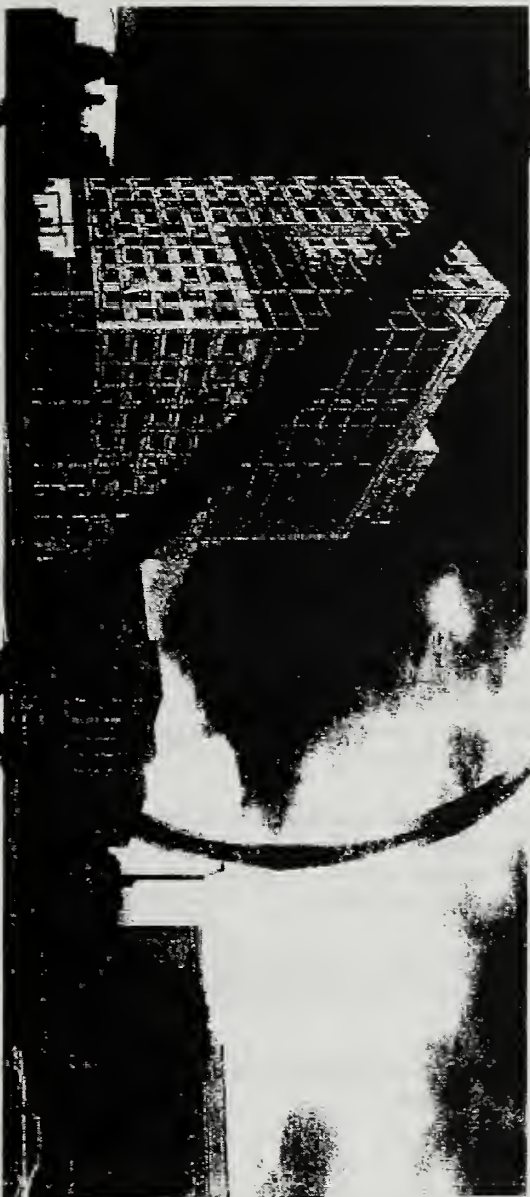
1.1, 9.6

Thank you for your time.

Richard Lynch (cohabiting with my illegal in USA husband and partner of 15+ years, Frank Steil)
960 Naloma St #1, San Francisco, CA 94103

PS: Please use the following USPS mailing address for all correspondence for me. To be blunt, services in our area are lacking: 584 Castro St #366, SF, CA 94114.

CC Tom Radulovich, Executive Director, Transportation for a Livable City, 995 Market Street, Ste. 1550, San Francisco, CA 94103
Leah Shahum, Executive Director, San Francisco Bicycle Coalition, 995 Market St Ste 1550, San Francisco CA 94103



NOV 21, 2008
D. B. K. INVESTMENTS

1415 Mission St
SAN FRANCISCO, CA 94103

View from Mission St and 10th St
PETER MOSKOWITZ
ARTIST'S CONCEPT

NO TO HUGO BOSS

Delir comment

RECEIVED

8 April 2009

Jessica Range ✓
San Francisco Planning Department
Major Environmental Analysis (MEA)
1650 Mission Street, Suite 400
San Francisco CA 94103

APR 10 2009

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
MEA

Bill Wycko
Acting Environmental Review Officer, 1415 Mission Street Mixed-Use Development project
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Re: STRONGLY OPPOSE 1415 Mission Street Mixed-Use Development Project

Dear Jessica Range and Bill Wycko,

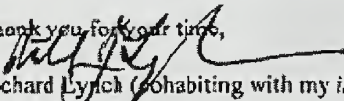
It is important to me that you understand that NO ONE in the local neighborhood wants this awful proposed mess you all seem to be OKing at 1415 Mission Street. Ideally, I and many would prefer the development be a green park to go with the recent "Manhattanizing" of the neighborhood by the local planning department.

I am enclosing my prior letter and email sent regarding same so that my opposition indeed gets "registered." Have attended local planning department meetings in past to find out that, for example, when input from actual neighborhood for a October meeting was requested, input receiving was closed of in August prior (sad but true!).

Thus, my non participation at your meetings is NOT because I do not care; it is because your/my planning department does NOT care and I cannot afford to take time off of work to deal with your ignoring me.

Please register my as well as my neighbor residents and area users' STRONG opposition to the proposed 1415 Mission Street development.

Thank you for your time,


Richard Lynch (cohabiting with my *illegal* in USA husband and partner of 18+ years, Frank Steil, co-owner)
960 Natoma St #1, San Francisco, CA 94103

PS: Please use the following USPS mailing address for all correspondence for me. To be blunt, services in our area are lacking: 584 Cast St #366, SF, CA 94114

Encl. (two prior correspondences of mine related to Opposition to Proposed 1415 Mission Street Development)

9.4



**NO to proposed 16 stories at 1415 mission street, and NO means NO! yes, three (3) stories MAX
(much more prefer a green public park there)!**

Wednesday, January 23, 2008 1:10 PM

From: "Richard Lynch" <richard@rifs.us>

To: "Michela Alloto-Pier" <michela.alloto-pier@sfgov.org>, "Tom Ammiano" <tom.ammiano@sfgov.org>, "Carmen Chu" <carmen.chu@sfgov.org>, "Chris Daly" <chris.daly@sfgov.org>, "Bevan Dufty" <bevan.dufty@sfgov.org>, "Sean Elsbernd" <sean.elsbernd@sfgov.org>, "Sophie Maxwell" <sophie.maxwell@sfgov.org>, "Jake McGoldrick" <jake.mcgoldrick@sfgov.org>, "Ross Mirkarimi" <ross.mirkarimi@sfgov.org>, "Aaron Peskin" <aaron.peskin@sfgov.org>, "Gerardo Sandoval" <gerardo.sandoval@sfgov.org>, "Gavin Newsom" <gavin.newsom@sfgov.org>

Cc: "leah shahum" <leah@sfbike.org>, "WalkSF" <peds@walksf.org>, "Jim Meko" <jim.meko@comcast.net>

23 gennaio 2008

hi sf supervisors and mayor who is seemingly to be
looking the other way AGAIN,

per your planning group in MY neighborhood its
literature states and i cut-and-paste quote:

<<

Goal T.3.P.1 Provide safe, efficient and pleasant
pedestrian circulation in Western SoMa

>>

ok a fine lofty goal in text, but per your actual
ACTIONS already taken as of today, it is a reality in
MY neighborhood that you and yours have removed a
sidewalk entirely, albeit a small one but an ENTIRE
sidewalk with a new UGLY building on jesse alley off
10th street, northeast corner of mission street HUGE
complex going up now (2 of 2 HUGE complexes going into
local area presently per your fatter wallet\$ and my
now ever-thinning one).

i understand your interest is strictly in building
your coffer\$ for your retirement parties\$. you need to
understand that my interest is in LIVABILITY in MY
neighborhood for me and my neighbors now and in
future, which is why i write you again today: proposed
1415 mission street project, which NO one local to it
wants to go forward as proposed, HUGE building
proposed for southwest corner of mission and 10th
streets at 1415 mission street, MUST be halted and
limited to three (3) stories max (or put in a
much-needed green public park instead!).

yes, three (3) stories MAX (although i much more
prefer a green public park there), and do NOT lose the
wide sidewalks already now decreased by cars and

5.13

9.7

parking as it is today!

put that in your EIR-pipes you all smoke, becoz what
you and yours are now doing to MY neighborhood is
ruining it by putting in MANHATTAN

this is san francisco, a village in comparison, and i
left MANHATTAN (worked nyc in early '80s) in 1986 and
your being bullied by the wealth of others amazes me,
so stop it now, and do so on my, my friends, my
family, and the LOCAL population's behalf! stop the
MANHATTANization of MY neighborhood NOW!

do not let the bully bulldozer-happy
developer/contractors continue to con you and yours
with their unseen kickback\$ into continuing to ruin MY
neighborhood

NO to the UGLY and TOO-huge proposed project being
extremely "tall"-ly proposed for 1415 mission street,
and NO means NO, and now, NO to 16 stories of
unnecessary "planned" shadow and bleakness in a more
and more truly dirty-ass, crime-filled,
fully-neglected pocket of this city so very close to
city hall itself!

thank you for your consideration, and more importantly
for your immediate actions taken NOW on my behalf
toward NO to proposed 16 stories at 1415 mission
street, and NO means NO now,

richard lynch

daily cyclist,
sfbc member,
sfdog member,
walksf member,
local artist,
resident of chris daly's district, and
sf resident since 1986

ps. my mailing address is: 584 castro st 366, san
francisco, ca 94114 (n.b. i cannot USE local address
due to extremay meager services in local area so stop
sending me hard copy proposed monstrosities to local
address, as requested before in hard copy writing to
you and yours, IF you want me to see what you are
seeming to be hard-copy sending to me as a holiday
present, no less!). thanks!

9.7

"The bicycle is more than a sport and a means of transportation, it is a social benefit." -- Pierre Giffard, 1899.

NO to proposed 16 stories at 1415 mission street, and NO means NO! yes, three (3) storie... Page 3 of 3

Le Velo (translation by Graeme Fife)

My job search web site is: <http://www.richardlynch.net>. This is a Flash site with a key at bottom. My resume only is at: <http://www.richardlynch.net/resume.html>.

Thanks and talk soon!

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APPENDIX 2:
Transcript of Draft EIR Public Hearing

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SAN FRANCISCO PLANNING COMMISSION

--oOo--

IN RE:)
)
Draft EIR)
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1415 Mission Street)
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TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

Thursday, April 9, 2009

San Francisco Planning Commission
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

REPORTED BY: NIKI MAKELA, CSR 11024 418539

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EXHIBITS MARKED FOR IDENTIFICATION

No.	Description	Page
	No Exhibits Marked.	

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Page 3

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APPEARANCES

DURING ASSOCIATES

120 Montgomery Street

San Francisco, CA 94104

BY: STU DURING, ATTORNEY AT LAW

Telephone: 415-986-0884

San Francisco Planning Commission:

Commissioner Ron Miguel

Commissioner Christina Olague

Commissioner Kathrin Moore

Commissioner Hisashi B. Sugaya

Commissioner William Lee

Commissioner Gwyneth Borden

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Page 4

San Francisco, California; Thursday, April 9, 2009

3:18 p.m.

--oOo--

PROCEEDINGS

COMMISSION SECRETARY: Item 11, Case

No. 2005.0540E for 1415 Mission Street, mixed use

development. This is the public hearing on the Draft

Environmental Impact Report.

MS. ROOS: Good afternoon, President Miguel

and members of the Commission. I'm Carol Roos of the

Major Environmental Analysis Section of the Planning

Department.

This item is a hearing to receive comments on

the Draft Environmental Impact Report for Case

No. 2005.0540E, the 1415 Mission Street mixed use

development project.

Staff is not here to answer questions and

comments today. Comments will be transcribed and

responded to in writing in the Comments and Response

Document, which will respond to verbal and written

comments received and make revisions to the Draft EIR,

as appropriate.

Neither is this hearing to consider approval

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Page 5

or disapproval of the project. That hearing will

follow the Final EIR certification.

I would ask that comments today be directed to

the adequacy and accuracy of information contained in

the draft EIR.

I would also ask commenters to speak slowly

and clearly so that the court reporter can produce an

accurate transcript of your comments. Commenters

should state their name and address so that they can be

properly identified and so that they may be sent a copy

of the comments and responses when it is completed.

After hearing comments from the general

public, we will take any comments on the Draft EIR from

the Commission. The public comment period for this

Draft EIR began on February 25, 2009 and extends until

5:00 p.m., Monday, April 13th, 2009.

This Historic Preservation Commission did not

hold a hearing on this draft because it wasn't

applicable.

This concludes my presentation on this

matter, unless you have any questions. If not, I would

respectfully suggest the public hearing be opened.

COMMISSIONER MIGUEL: Thank you. I only have

one public comment card on this. Eric Dash.

MR. DASH: My name is Eric Dash. I represent

J7.2

2 (Pages 2 to 5)

the Natomas Street Neighborhood Group. Unfortunately, most of the people, the interested parties in our neighborhood, both businesses and residents, were not able to make it today due to work obligations, but we have various meetings about this issue, and I have made it a point to be here to clarify a lot of issues that we have.

Some of the primary things we have concerns about are basically in the Draft EIR, the significant impact determination as to whether certain issues have significant impact.

Everything that has been stated in the Draft EIR states there's no significant impacts, but some of the issues we have problems with is actually related to the building height; and secondly, the parking; and thirdly, to wind studies.

Primarily, in terms of building height: Going through the urban design element of the Planning Department, there's a number of things you will find in that packet that I have distributed that talk about transition between neighborhood and appropriateness of height and bulk for certain neighborhoods.

Our neighborhood is an RED with a 40 to 50 X height whereas on the north side of Mission it goes up as high as 320 feet. There's a lot of questions about

that.

Secondly, in terms of parking, this is a neighborhood that operates at 97 percent of capacity during the day in terms of parking, and the parking variance that is being sought on this we do find it is a significant impact to prove any sort of parking variance given the capacity of parking in the neighborhood at the moment.

Thirdly, in terms of wind study, we all know that Fox Plaza is a major problem on the corner of 10th and Market Street is a known wind hazard. That perpetuates on down 10th Street as far as Mission Street, and it is questionable whether the actual wind study in its model form really determines how bad the wind problem will be with the existence of 130-foot building at that corner, the southwest corner of 10th and Mission.

One of the concerns that was brought up is when the Hotel InterContinental was basically studied back in 2002, it seemed like there were no problems with wind. But if you happen to bike up Howard Street at the corner of 5th, there is a significant amount of wind that that building generates. So there are a lot of questions about the document's accuracy of the wind study report

So you will see summarized in that packet, neighborhood concerns, and a lot of this will be followed up through a petition that we are circulating in the neighborhood and that will summarize hopefully everything said here

Thank you for your time.

COMMISSIONER MIGUEL: Thank you. Is there any further public comment on the Draft EIR?

MS. HESTOR: Sue Hestor. I accidentally left my comments in my office. I am going to do some of them from memory. I am so glad the previous comments brought up the issue of wind because the winds at 10th and 11th at Market and Mission, Fox Plaza, are the worst in the City by every measurement the City has ever done, and the City keeps ignoring that.

When SoMa Grand opened, I got reports from people who biked the route regularly down Mission Street. That wind -- I mean -- there's a venturi effect. I think that is the term. There are wind impacts created by all of these buildings going up along Mission Street that are really scary to bicyclist. I have had people who are really experienced bicyclist talking about being afraid they were going to be thrown off their bicycle going down Mission Street because of the new heights on Mission

Street.

The Planning Department as near as I know does not do any after analysis. This came up in the 10th and Market hearing when it was at the Board of Appeals, and Board of Appeals members who were experienced in planning issues were shocked to be told, "No, we do not measure after effect. We don't test our assumptions."

We are past the point where the Planning Department can say -- MEA can say, "Well, we do them before. We don't do them afterwards." There should be a test required after every building opens so that you can check your assumptions because the wind impacts are still pretty serious.

The second issue that I am commenting on is about the proliferation of market rate housing projects in this area, in this immediate area in the face of (A) a downturn in the economy, (B) a proliferation of unbuilt projects that are market rate housing projects; and (C) the immense need for below market rate or, you know, or a 80 to 120 percent housing in the City.

And the Planning Department does not do an analysis or discussion nor does MEA on how we are meeting our various housing targets in the City. There's more than just market rate generically and low

3.7	<p style="text-align: right;">Page 10</p> <p>1 income generically.</p> <p>2 So that issue needs to be discussed. What is</p> <p>3 the market that this is being built for? The developer</p> <p>4 knows who the market is. Who does he anticipate by</p> <p>5 income level buying into this place? How much of that</p> <p>6 is already being built or has been built versus the</p> <p>7 need in the City -- in the City's general plans.</p> <p>8 specifically the housing element.</p> <p>9 Those are the two big issues, housing and</p> <p>10 wind. Thank you.</p> <p>11 COMMISSIONER MIGUEL: Is there further public</p> <p>12 comment on this Draft EIR?</p> <p>13 If not, public comment is closed.</p> <p>14 Commissioners?</p> <p>15 Commissioner Moore.</p> <p>16 COMMISSIONER MOORE: Strongly support</p> <p>17 Mr. Dash's summary of issues. Wind, for sure, even as</p> <p>18 in the DEIR on page 46 states about cumulative impacts</p> <p>19 of wind, I think there's primary reasons to take a</p> <p>20 careful look at this project. The problems existing</p> <p>21 with no additional buildings in the area already</p> <p>22 (inaudible) supporting Ms. Hester's comments, and I do</p> <p>23 think there needs to be a stronger emphasis on</p> <p>24 examining what that all means.</p> <p>25 Secondly, I believe the comment on building</p>	<p style="text-align: right;">Page 12</p> <p>1 I know that when I was speaking to some</p> <p>2 individuals from Western SoMa, they mentioned that</p> <p>3 currently I believe the adjacent height is SLR at the</p> <p>4 immediate adjacent lot. I think that is a 50-foot</p> <p>5 height. They are actually proposing a down zoning to</p> <p>6 40 feet and proposing it become Zoned RSD, I believe.</p> <p>7 So I am -- I know that the analysis provided</p> <p>8 here mentions that overall it conforms -- the height is</p> <p>9 set. I know it is 130-foot height and the reason be</p> <p>10 conditional. I know they are asking for a lot of</p> <p>11 exceptions and variances, but I guess under the current</p> <p>12 zoning only 57 units would be allowed under the CM, and</p> <p>13 they are asking to increase it to 113, and that's one</p> <p>14 of the changes in the zone -- of the code that they are</p> <p>15 asking for.</p> <p>16 I guess one thing I found sort of interesting</p> <p>17 too was one of the exceptions that is being requested</p> <p>18 had to do with FARs and below-market rate units. And</p> <p>19 it was always my understanding that below-market rate</p> <p>20 units had to be equal to the market-rate units in the</p> <p>21 project. So I was wondering -- you know, I had</p> <p>22 questions about that. That would be page 41.</p> <p>23 It says, "The project would require downtown</p> <p>24 permit review for compliance with the downtown</p> <p>25 provisions of the Planning Code, including" -- oh, this</p>	3.5
6.19	<p style="text-align: right;">Page 11</p> <p>1 form relative to impact and mandate for transitioning</p> <p>2 down to adjoining neighborhood is a very well-taken</p> <p>3 comment. This is basically a building which pops way</p> <p>4 above the prevailing heights. And while it anticipates</p> <p>5 the future change of district, that is not</p> <p>6 substantiated by anything and the more that it becomes</p> <p>7 important the a need of tapering of building form is, I</p> <p>8 think, what we would be looking for. You cannot in the</p> <p>9 abstract say there's something intended at some point</p> <p>10 in the future.</p> <p>11 Also, I think the complete response to</p> <p>12 objectives of the Market-Octavia Plan should be</p> <p>13 consulted including Western SoMA, which at that time</p> <p>14 was not even fully developed. So I would like to see</p> <p>15 references to both of those, including policy intent</p> <p>16 and physical guidelines.</p> <p>17 COMMISSIONER MIGUEL: Commissioner Olague.</p> <p>18 COMMISSIONER OLAGUE: Yes, I agree with the</p> <p>19 comments of Commissioner Moore. I was also reading --</p> <p>20 as I read through it, I noticed that when it refers to</p> <p>21 the Market-Octavia Plan and Western SoMA, I found it to</p> <p>22 be very selective in what was referenced. So I don't</p> <p>23 think it gave a very thorough analysis of how this</p> <p>24 project does or does not relate to the Market-Octavia</p> <p>25 Plan.</p>	<p style="text-align: right;">Page 13</p> <p>1 is the one on the exceedance. Some people mentioned</p> <p>2 wind, but that is actually one of the variances that</p> <p>3 they would be requesting on the project.</p> <p>4 Let me see if I could find the one -- "The</p> <p>5 project sponsor would seek conditional use</p> <p>6 authorization for dwelling-unit density in excess of</p> <p>7 one unit per 125 square feet of lot area pursuant</p> <p>8 to" -- I'm not going to read the whole thing -- "to</p> <p>9 exempt the floor area of on-site BMR units from the FAR</p> <p>10 limit pursuant to Planning Code Section 124, requires</p> <p>11 approval by the Zoning Administrator."</p> <p>12 But it was always my understanding that BMR</p> <p>13 units had to be equal to the market-rate units, so I am</p> <p>14 wondering how these exceptions would be granted.</p> <p>15 Okay. I guess that is a huge question I have</p> <p>16 in terms of the conformance to -- I don't know --</p> <p>17 MS. ROOS: We would like to answer you in the</p> <p>18 comments and responses to give you thorough answers, if</p> <p>19 that is acceptable.</p> <p>20 COMMISSIONER OLAGUE: That's fine.</p> <p>21 I didn't think that the housing element was</p> <p>22 fully panelized either. I don't know what other word</p> <p>23 she used. I think there's too much picking and</p> <p>24 choosing. It is not really an overall -- it is like,</p> <p>25 "Well, this confirms because." What it doesn't -- it</p>	2.16
4.7			3.9
2.9			6.20
2.10			2.17
			2.15

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1 doesn't conform in many ways to the housing element
2 either as it relates to affordable housing; and of
3 course, they mentioned the below-market rate units but
4 they don't mention the fact -- and then they mention
5 how it conforms in some ways with the housing element,
6 but then there are issues like -- well, in the housing
7 element, it mentions that we haven't quite met our
8 requirements as far as needing moderate family housing
9 needs.

10 So I don't think that this EIR even comments
11 on how this project does or doesn't meet areas of the
12 housing element that we are deficient. So I just felt
13 the analysis was weak when it came to the affordable
14 housing, below-market rate, and those types of things.
15 When it came to Market and Octavia and even Western
16 SoMa, I just didn't feel it was really that thorough.

17 COMMISSIONER MIGUEL: Commission Moore.

18 COMMISSIONER MOORE: I forgot to mention my
19 really significant concern about the amount of parking
20 which is suggested for this building. We are close to
21 extremes at the intersection. That is the one of South
22 Van Ness tracking over to Mission and Otis are almost
23 unworkable today. By adding this amount of cars and
24 providing kind of extra like for-fee parking, I believe
25 that this project is seriously over parked and is kind

Page 15

1 of not at all in keeping with the Transit-First Policy.

2 In addition to that and in very close
3 proximity, we are building other large parking
4 reservoirs at Trinity Plaza when that comes on-line,
5 and we are building significant amount of parking at
6 Market and 10th, and the list goes on.

7 We are looking at these projects always in an
8 isolated fashion. Need parking. Need parking. Need
9 parking. We rarely talk about the cumulative effect of
10 bringing a large concentration of additional cars in
11 these areas.

12 I just want to flag that as something that I
13 am definitely concerned about and would like see
14 addressed more clearly in the DER.

15 COMMISSIONER MIGUEL: Yes, I have a problem as
16 well on the parking side. I don't think it takes into
17 consideration proposed projects as far as the need
18 particularly for free parking. Sometime back we were
19 discussing Western SoMa. My considerations there were
20 the fact that you have transitional zones. You don't
21 just have these areas, eastern neighborhoods, downtown.
22 Western SoMa, the rest of them in isolation. You get
23 into a series of blocks on either side of the
24 geographic boundaries where they are, at least in my
25 estimation, transitional zones. And when you go from

Page 16

1 something that is zoned quite high to something that is
2 zoned very moderate, it doesn't mean necessarily that
3 the best land use planning is that abrupt change.
4 There is such a thing as transitioning, and I am not
5 sure that, in my mind, it is sufficiently taken into
6 consideration here.

7 The other thing is there are often comparison
8 for areas that are zoned medium or fairly high, but
9 aren't built that way yet. You might have something
10 zoned for 85 feet. There's a two-story building on it
11 or a one-story building. And when something is going
12 up on an adjacent lot, we are given examples of --
13 well, this is the bulk that can and probably will be
14 built next door. Very little is built out to the
15 absolute limits of height and bulk in this City. There
16 are usually or should I use toned it down a bit. And
17 so I find those to be very false assumptions and not
18 realistic at all.

19 COMMISSION SECRETARY: Thank you,
20 Commissioners. With that said, just a reminder to the
21 public that written comments will be accepted at the
22 Planning Department's office until the close of
23 business on April 13th, 2009. Thank you. This
24 concludes this item.

25 (Whereupon, the proceedings were adjourned.)

CERTIFICATE OF REPORTER

1 I, NIKI MAKELA, a Certified Shorthand Reporter,
2 hereby certify that the foregoing proceedings were
3 taken in shorthand by me, at the time and place therein
4 stated, and that the said proceedings were thereafter
5 reduced to typewriting by computer, under my direction
6 and supervision.

7 I further certify that I am not of counsel or
8 attorney for either or any of the parties nor in any
9 way interested in the event of this cause, and that I
10 am not related to any of the parties thereto.

11 DATED: April 13, 2009.

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APPENDIX 3:

Wind Memo

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MEMORANDUM

TO: CAROL ROOS

FROM: DON BALLANTI, BILL WAECHTER

SUBJECT: 1415 MISSION STREET WIND TUNNEL RESULTS

DATE: FEBRUARY 18, 2009

Executive Summary

Winds at the intersection of Tenth and Market Streets have been the subject of several wind tunnel tests in recent years. The purpose of this memorandum is to interpret the results of the 1415 Mission Street wind tunnel test in light of previous studies and the known limitations of the wind tunnel model. Based on our review of studies in the area and expertise in studies of this type, we have concluded the following:

- Both wind tunnel and computer simulation studies have consistently shown that the strong winds at the Market Street/10th Street intersections are attributable the effects of the Fox Plaza structure that accelerate and channel winds down Market Street and south on 10th Street.
- In extremely windy areas such as the Market Street/10th Street intersection, there are difficulties using wind tunnel results alone to determine compliance with the wind hazard criterion, and the calculated number of hours of exceedance derived from wind tunnel tests is unreliable as a precise indicator of project impact.
- Our experience, including the above, suggests that wind conditions at the 10th and Market intersection should not be noticeably influenced by 1415 Mission. The variation in the number of hours of exceedance when the project is added to the existing setting or the cumulative setting in our opinion does not represent an impact of the project, but should be attributed to measurement and calculation uncertainty.

Summary of Wind Tunnel Test Results

Wind tunnel tests for the 1415 Mission Street project were conducted in early 2007. The tests were for twenty-seven sidewalk locations. The extent of measurements was along 10th Street from Market Street to Howard Street, and along Mission Street from 11th Street to 9th Street, and one location at the southwest corner of Ninth and Market Streets. These measurement points represented locations where the project was considered to have the potential to significantly change wind conditions as well as locations where tests of other projects had found wind problems (for example, the locations at Market Street and 10th Street and 9th Street).

The tests included four testing scenarios: existing conditions; existing-plus-project; and two cumulative runs. The first cumulative run was performed with the proposed 1415 Mission Street project, and the second without. Cumulative development consisted of the following projects in close proximity to the project site:

- 1177 Market Street project
- 1125 Market Street project
- Mercy residential project on Mission Street (between Ninth and Tenth Streets)
- 77 Van Ness Avenue project
- 1 Polk project
- 55 Ninth Street project
- Fox Plaza project on Market Street
- 10th/Market Project (now known as the Market Street Residential Building)
- 1400 Mission Street Project (previously known as the TNDC Housing Project)
- 1355 Market Street project

Of the 27 sidewalk test locations, 26 were found to meet the wind hazard criterion under all four scenarios tested. A single point at the southwest corner of Market Street and 10th Street was predicted to exceed the wind hazard criterion (speeds reaching or exceeding the hazard level of 26 mph, as averaged for a single full hour of the year). The exceedance was predicted to exist for all four testing scenarios, but the number of hours per year that the wind hazard criterion was predicted was different for all four testing scenarios.

The calculated duration of the exceedance under existing conditions was calculated as 94 hours per year. The calculated duration of wind hazard exceedance with the addition of the proposed 1415 Mission Street project was 58 hours per year.

The wind hazard exceedance at location 1 would continue to exist with the addition of the cumulative development and the proposed project. The calculated duration of wind hazard exceedance with cumulative development and the proposed project was 109 hours per year. The cumulative scenario without the proposed project had a predicted duration of exceedance of 80 hours per year.

If the hours of exceedance are taken at face value, the project would seem to have an inconsistent impact on wind. When added to the existing setting, the number of hours of exceedance declines, suggesting the project reduces wind at the southwest corner of Market and Tenth Streets. However, when added to the existing plus cumulative setting the number of hours of exceedance increases, suggesting the project increases wind at the southwest corner of Market and Tenth Streets.

These seemingly contradictory results must be interpreted in light of the reliability of the wind tunnel methodology at high wind locations such as the Market Street/10th Street intersection, the results of numerous other wind tunnel tests (and computational tests) that have studied Market Street/10th Street intersection wind conditions and the likely extent of wind impacts that could be expected for a project located at the southwest corner of Mission and 10th Streets.

Uncertainty in Predicting Hours of Exceedance at the Market Street/10th Street Intersection

To account for the differences between the hazard criterion, which specifies an hourly-averaged wind of 26 miles per hour, and the historical wind data base, which consists of 3-minute averaged winds, the testing methodology uses measured wind tunnel data, in the form of a ratio, to calculate an ambient wind that would result in a predicted wind of 36 mile per hour, (The frequency of a 3-minute averaged wind of 36 miles per hours is identical to that of a 26 miles per hour wind averaged over 1-hour). The computer program then "looks up" the frequency of this occurrence on what is essentially a graph of wind speed versus frequency. The graph is based on the 6-year historical wind data base for a downtown location.

The calculation of wind frequency in an area with very high winds uses a very steep part of the frequency curve, which means that small wind speed changes equate to large frequency changes, and the inherent uncertainty in measuring the wind (due to limited precision of the measuring equipment, uncertainty in location and orientation of the probe, differences in ambient conditions in the tunnel, inaccuracies in aligning the model, etc.) is amplified by the volatility of the calculation procedure.

Winds at the Tenth Street and Market Street intersection have been the subject of a number of wind tests and studies over the last decade. Winds at this intersection are accelerated by existing structures that tend to channel winds along Market Street and south along Tenth Street and all wind tunnel tests conducted to date have shown exceedances of the wind hazard criterion at this location. However, the calculated number of hours of exceedance in these independent tests varied widely for similar scenarios, with a range of several hundred hours per year at the same test location. Substantial variation in hours of exceedance has been found for identical existing conditions runs as well for identical cumulative scenario runs.

The Variance Decision for the Market Street Residential Project at the southwest corner of Market and 10th Streets summarized the situation as follows:

“While experts have stated that the current wind tunnel methodology is generally accurate and reliable at lower wind velocities (such as those that approach or marginally exceed the level criterion of 11 mph), the higher wind velocity measurements (such as those approaching or exceeding hazardous levels) are less reliable and have larger margins of error. Margins of error for wind velocity measurements increase rapidly once such velocities reach hazard levels (26 mph or greater).”¹

The margin of error at the southwest corner of Market and 10th Streets is relatively large, as the wind speed exceeded 1 hour per year is over 50 mph. While the calculated number of hours of exceedance between wind tunnel tests may show such a wide variation that the calculated number of hours may not be reliable, the pattern that emerges from considering all these tests is far more dependable. Several wind tunnel studies have examined wind conditions near the Market Street/10th Street intersection. These studies include the Tenth/Market Mission Streets Mixed Use project, the 1355 Market (SF Mart) project and the Fox Plaza Expansion project. Each included a cumulative run that included all the same buildings, including the 1415 Mission project.² The consistent findings of all these studies are:

- The Market Street/10th Street intersection is affected by winds well above the wind hazard criterion generated by the Fox Plaza building located on the north side of Market Street.

¹ San Francisco Planning Department. Variance Decision for the 1407-1435 Market Street Project. June 28, 2007.

² For the Fox Plaza Expansion project the 1 Polk Street project was considered as part of the existing environment rather than a cumulative project.

- The addition of cumulative projects results in a reduction in wind and reduction in the number of hours of exceedance.

Computer Simulation Studies

Rowan Williams Davies & Irwin Inc. (RWDI) (Guelph, Ontario, Canada) prepared a wind study of the 10th/Market Project (now known as the Market Street Residential Building) using computer simulation techniques. The results of these simulations are graphical representations of wind fields that show areas of low and high wind through color. This methodology was ultimately used and accepted as a means of qualitatively comparing the effects on the wind of adding the proposed 10th/Market Project. The study focused on the key wind direction, west-northwest, which was identified as the critical direction with respect to hazard winds at the intersection of 10th and Market Streets.

The computer modeling technique provides a consistent, repeatable means of qualitatively comparing one building test configuration against another. All external influences associated with the wind tunnel testing method (e.g., precise re-positioning of probe, instrumentation drift, temperature, model position/orientation, etc.) are eliminated as possible sources of anomaly in obtaining repeatable readings.

The results of the computer modeling study were submitted in RWDI's August 11, 2006 report³, with a supplementary assessment of cumulative conditions submitted to the City of San Francisco Planning Department on May 17, 2007⁴. The cumulative development configuration included: 55 Ninth Street, Mercy Housing (NE corner of 10th and Mission), and the TDNC Family Housing (NW corner of 10th and Mission, now known as 1400 Mission Street Project) tested at height of 85 ft and also 150 ft. Because the computer model's main focus was the proposed 10th/Market Project (and the 10th/Market intersection), more distant developments near the edge of the computer model (e.g., 1415 Mission Street), were not included in the model. Such distant and generally downwind developments were not anticipated to influence wind conditions at the 10th and Market intersection.

³ A. Akomah, M.E.Sc, Project Engineer, A. Belanger, Project Manager and B. Waechter, C.E.T., Project Director (Senior Microclimate Specialist). Pedestrian Wind Flow Assessment 10th and Market Street Development. San Francisco, CA. RWDI Reference 06-1420, dated August 11, 2006.

⁴ A. Akomah, M.E.Sc, Project Engineer, A. Belanger, Project Manager and B. Waechter, C.E.T., Project Director (Senior Microclimate Specialist). Pedestrian Wind Flow Assessment Supplementary Results of Cumulative Conditions. 10th and Market Street Development. San Francisco, CA. RWDI Reference 07-1408, dated May 17, 2007.

The supplementary study of the cumulative wind impacts concluded that for the key west-northwest wind direction:

“wind speeds in the vicinity of 10th and Market and also 10th and Mission do not noticeably change for either of the cumulative configurations”.

While this result contrasts with the results of the calculation method cited on page 2-3 of this memo, the calculation method is at times inconsistent in its outcomes in some situations, as noted earlier.

The above computational findings have great significance with respect to the influence one would expect the proposed 1415 Mission Street development to have on the wind conditions at 10th and Market. The computational study for Tenth/Market focused on development much closer to the 10th and Market Street intersection than the proposed project at 1415 Mission Street. It showed that wind conditions at the intersection were largely controlled by the Fox Plaza Building, which accelerates and channels winds down Market and Tenth Street, and that even large buildings proposed at the intersection were not expected to create significant changes in wind in this area. The TNDC Family Housing, which is directly across the 1415 Mission Street site and closer to the intersection in question, did not noticeably change the wind speeds at 10th and Market when tested at 85 ft and 150 ft. In our opinion, we would also expect a similar result for 10th and Market with the proposed 1415 Mission Street development present, especially when the TNDC Housing project will partly shelter 1415 Mission from approaching west-northwest winds. This opinion is confirmed in the supplementary study's conclusion where it acknowledged that the cumulative development configuration also had a minimal effect at the intersection of 10th and Mission, adjacent to 1415 Mission.

It is difficult to directly compare computer modeling results with the wind tunnel results as, for example, the extent of the area modeled differed as did the presence/absence of peripheral cumulative buildings. However, there is no doubt in reviewing the results of all the test configurations for the two test methodologies that both the wind tunnel and computer modeling approaches concluded that the 10th and Market intersection is an inherently windy area where existing wind speeds are high and are not predicted to increase significantly as a result of new development, especially downwind development such as the 1415 Mission project.

Findings and Conclusion

In our view, another wind tunnel test would not resolve the matter. Due to the variability of results inherent in the methodology in the vicinity of the Market Street and 10th Street intersection, it would simply introduce another different data set subject to the same limitations as previous data sets.

We make the following findings:

- Wind at the south side of the Market Street/10th Street intersection appears to be controlled largely by the Fox Plaza Building that accelerates and channels winds down Market Street and south on 10th Street. Wind tunnel tests and computational simulations are consistent in showing that even large buildings proposed at the Market Street/10th Street intersection change the problem wind conditions very little.
- The calculated number of hours of exceedance derived from wind tunnel tests, at the Market Street/10th Street intersection is unreliable as an indicator of project impact. However, the numerous wind tunnel studies conducted in the area are consistent in showing that the effect of cumulative projects is a small reduction in hours of exceedance at the Market Street/10th Street intersection.
- Our 35 years of environmental wind and wind engineering experience suggest that wind conditions at the 10th and Market intersection should not be noticeably influenced by 1415 Mission. Wind impacts propagate downwind from a building, and the Market Street/10th Street intersection is too far upwind of the proposed 1415 Mission project for it to exert a significant change in winds at this location.

Based on the above findings, it is our conclusion that the project would not substantially affect wind at the Market Street/10th Street intersection, which is a full block upwind of the project site. The wind tunnel tests for the project are consistent with previous wind tunnel studies in showing high winds and exceedances of the wind hazard criterion at the southwest corner of the Market Street/10th Street intersection. However, the variation in the number of hours of exceedance when the project is added to the existing setting or the cumulative setting in our opinion does not represent an impact of the project, but should be attributed to measurement and calculation uncertainty (the calculated changes represent “noise” that is within the margin of error).

In closing, we have concluded that neither the reduction in calculated hours of exceedance between the existing and project scenarios, nor the increase in calculated

hours of exceedance between the cumulative and cumulative plus project scenarios should be considered as being caused by the proposed project alone. Given the disproportionate sensitivity of the calculation of the number of hours of exceedance described earlier, this variation should be considered as being within the margin of error for the calculation procedure.

